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The Election Laws of the State of Ohio *and of the United States of America*

SO FAR AS THEY RELATE TO THE
CONDUCT OF ELECTIONS AND
THE DUTIES OF OFFICERS IN
CONNECTION THEREWITH * * * *



COMPILED BY

LEWIS C. LAYLIN, Secretary of State

1902

THE
ELECTION LAWS
OF THE
STATE OF OHIO
AND OF
THE UNITED STATES OF AMERICA

SO FAR AS THEY RELATE TO THE CONDUCT OF
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Compiled by
THE SECRETARY OF STATE.



COLUMBUS, OHIO:
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ELECTION LAWS OF THE UNITED STATES.

CITIZENSHIP.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Who are citizens.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Children of citizens born abroad.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

Married women.

SEC. 1995. All persons born in the district of country formerly known as the territory of Oregon, and subject to the jurisdiction of the United States on the 18th [of] May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Persons born in Oregon.

SEC. 1996. All persons who deserted the military or naval service of the United States, and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Forfeiture of citizenship.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained quit his command or refused to serve after that date, shall be held to be a deserter from the army or navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office in consequence of his desertion.

Certain soldiers and sailors exempted from forfeiture.

Avoiding the draft.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

Right of expatriation declared.

SEC. 1999. Whereas, the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subject of foreign states, owing allegiance to the governments thereof; and whereas, it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the republic.

Protection of naturalized citizens in foreign states.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this government the same protection of persons and property which is accorded to native born citizens.

THE ELECTIVE FRANCHISE.

Interference by army or naval officers.

SEC. 2003. No officer of the army or navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any state, or in any manner interfere with the freedom of any election in any state, or with the exercise of the free right of suffrage in any state.

Race, color or previous condition not to affect the right to vote.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any state or territory, or by or under its authority, to the contrary notwithstanding.

NATURALIZATION.

Aliens, how naturalized.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

Declaration of intention.

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the

States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Oath to support the Constitution of the United States.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Residence in United States, or States, and good moral character.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Titles of nobility to be renounced.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well

Persons residing in the United States before January 29, 1795.

disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Persons residing between June 18, 1798, and June 18, 1812; declaration for naturalization, made.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. [Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.]

Aliens honorably discharged from military service.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required

to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Minor residents.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Widow and children of declarants.

SEC. 2169. The provisions of this title shall apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent.

Aliens of African nativity and descent.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Residence of five years in the United States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and

Alien enemies not admitted.

removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of persons naturalized under certain laws to be citizens.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

Naturalization of seamen.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

Taking false oath in naturalization.

SEC. 5395. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars.

False personation, etc., in procuring naturalization.

SEC. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the

naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person, other than the person for whom it was originally issued, any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Using false
certificate of
citizenship,
etc.

Using false
certificate,
etc., as evi-
dence of a
right to vote.

Aiding or
abetting vio-
lation of pre-
ceding sec-
tions.

Falsely claim-
ing citizen-
ship.

Provisions
applicable to
all courts of
naturalization.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof shall be punished in the same manner and to the same extent as the principal party.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court, or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced.

If a court have any jurisdiction of a common law origin, it is, in this respect, within the provisions of the Revised Statutes. Hence, the Probate Courts in Ohio have jurisdiction to admit aliens to citizenship: *Ex parte Smith*, 3 L. Gaz., 237; *Ex parte Wingard*, 1 W. L. Mo., 453, s. c. 4 L. Gaz., 169; contra, 2 L. Gaz., 318; Opinion of Atty. Gen. McCook, (Ms.) So, the Police Court of Lowell, Mass. (*Ex parte Gladhill*, 8 Met., 168); Criminal Court of St. Louis, Missouri (*People v. Brackett*, 77 Ill., 614); Lexington (Kentucky) City Court (*Morgan v. Dudley*, 18 B. Monroe, 693); County Courts, California (*Conner's case*, 39 Cal., 98); County Courts, Illinois (*Dale v. Irwin*, 78 Ill., 170, overruling *Knox v. Davis*, 63 Ill., 405); County Courts, Texas (*Burkhardt, ex parte*, 16 Texas, 470); and County Courts, New York (*People v. Pease*, 30 Barb., 588), each have jurisdiction for such purpose. But the Police Court of Lynn, Mass. (*Ex parte Clegg*, 2 Curtis, C. C., 98), and the Police Court of Nashua, N. H. (*State v. Wittemore*, 50 N. H. 245), not having the office of clerk distinct from that of judge, are not within the act of Congress. But see *Ex parte Smith*, *Ex parte Wingard*, supra. The Marine Court of New York is not within the act, because it is not a court of record. *Mills v. McCabe*, 44 Ill. 194.

The legislature may prohibit the courts of the state from exercising the jurisdiction; *Stephens' case*, 4 Gray 559; *Beavins' case*, 33 N. H. 89.

Where the proceeding is in a state court, false swearing therein may be punished in the state courts, and it is no answer that it may also be punished in the courts of the United States: *Rump v. Com.*, 30 Pa. St. 475; *State v. Wittemore*, 50 N. H. 245.

In *Vaux v. Nesbitt*, 1 McCord's Ch. 352, it was held that the record is not conclusive; but, except as to the jurisdiction of the court, the rule is clearly the other way: *Spratt v. Spratt*, 4 Peters 393.

Although a state may permit aliens to vote at a state election, yet a state can not make an alien a citizen of the state except in the mode pointed out in the above provisions, so as to deprive him of the right to remove a cause on the ground that he is an alien: *Lantz v. Randall*, 3 Cent. L. Jour. 688.

A citizen of the empire of China can not be naturalized: *Ah Yup's case*, before Sawyer, J., 12 Am. L. Rev. 812.

CRIMES AGAINST ELECTIVE FRANCHISE.

Intimidating
voters by
bribery or
threats.

SEC. 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising, the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting

such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

SEC. 5509. If, in the act of violating any provision in either of the two preceding sections, any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the state in which the offense is committed.

Other crimes committed in violating preceding sections.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects or causes to be subjected, any inhabitant of any state or territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both.

Depriving citizens of civil rights under color of state laws.

SEC. 5516. Every person who wilfully obstructs, hinders, or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections nineteen hundred and eighty-four and nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues or attempts to rescue such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both..

Obstructing execution of process in civil rights cases.

Marshal refusing to receive or execute process.

Conspiracy to prevent accepting or holding office under United States, etc.

Conspiracy to deprive any person of the equal protection of the laws.

Unlawful presence of troops at elections.

Intimidation of voters by officers, etc., of army or navy.

SEC. 5517. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of section nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

SEC. 5518. If two or more persons in any state or territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any state, district, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property, so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5519. If two or more persons in any state or territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within such state or territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5528. Every officer of the army or navy, or other person in the civil, military or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any state, unless such force be necessary to repel armed enemies of the United States, or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years.

SEC. 5529. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any state from freely exercising the right of suffrage at any general or special election in such

state, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years.

SEC. 5530. Every officer of the army or navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any state, shall be punished as provided in the preceding section.

SEC. 5531. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, or otherwise compels, or attempts to compel, any officer holding an election in any state to receive a vote from a person not legally qualified to vote, or who imposes or attempts to impose, any regulations for conducting any general or special election in a state different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section fifty-five hundred and twenty-nine.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the state in which he offers to vote.

Officers of
army or navy
prescribing
qualifications
of voters.

Interference of
same with officer
of election, etc.

Disqualification
for holding
office.

PROVISIONS
OF THE
CONSTITUTION OF THE STATE OF OHIO
OF 1851,
RELATING TO ELECTIONS.

ARTICLE V.

ELECTIVE FRANCHISE.

*Who may vote.

SEC. 1. Every white¹ male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections. [See Const. 1802, Art. IV., §§ 1, 5.]

¹ This restriction on the elective franchise is now abrogated by the fourteenth and fifteenth articles of amendment to the Federal Constitution. Article XIV, so far as it relates to this subject, is as follows: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." The fifteenth article provides that: 1. "The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude. 2. The Congress shall have power to enforce this article by appropriate legislation." Such legislation has been enacted by Congress.

*By ballot.

SEC. 2. All elections shall be by ballot. [See Const. 1802, Art. IV, § 2.]

¹ Debates, 693; 2 Debates, 10, 811, 838, 860, 870.

Voters, when
privileged from
arrest.

SEC. 3. Electors during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest in all cases, except treason, felony, and breach of the peace. [See Const. 1802, Art. IV, § 3.]

¹ Debates, 693; 2 Debates, 10, 811, 838, 860, 870.

Forfeiture of
elective fran-
chise.

SEC. 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crimes. [See Const. 1802, Art. IV, § 4.]

¹ Debates, 693; 2 Debates, 10, 352, 811, 838, 861, 870.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the State, be considered a resident of this State.

Persons not
considered resi-
dents of the
state.

SEC. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

Idiots or in-
sane persons

The vote of a man otherwise qualified, who is neither a lunatic nor an idiot, but whose faculties are simply greatly enfeebled by age, ought not to be rejected.
Sinks v. Reese, 19 O. S., 307.

1 Debates, 693; 2 Debates, 10, 811, 838, 861, 870.

OHIO ELECTION LAWS.

ORIGINAL SURVEYED TOWNSHIPS.

When original township may be organized and incorporated.

SEC. 1366. As soon as there are four, or more, electors in any original surveyed township of five or six miles square, or fractional township, wherein there is either the reserved section twenty-nine or sixteen, or where said section sixteen has been disposed of by congress and any other section granted in lieu thereof, whether such other section be situate within or without said original township, and in all other fractional townships which by law are entitled to a section or a part of a section for school purposes, the said electors, or any of them, may apply to the county commissioners for the organization and incorporation of such original township or fractional township. [73 v. 186, § 1.]

Application to commissioners, and their order thereon, and notice of election.

SEC. 1367. On the application of any of said electors, and it being made to appear to the satisfaction of the county commissioners, that there are at least four electors in any such original township or fractional township, the commissioners shall order an election of three trustees and one treasurer therein, and give at least fifteen days' written notice of such election, by setting up in three of the most public places in the township such notices, designating the time and place of such election, and the place shall be as near the center of such township as practicable. [29 v. 490, § 2.]

Conduct of election of trustees; their powers.

SEC. 1368. Said election shall be conducted in the same manner as township elections in civil townships, and shall be held on the same day that township elections in said township are held, except that in any original surveyed township which lies in more than one township or county, the elections shall be held on the first Monday of May, the place of holding said election to be as near the center of the township as can be, and at least fifteen days' notice of such election to be given by notices posted in five or more of the public places of the original surveyed township, and the trustees of such township shall be a body corporate, with power to contract and be contracted with, sue and be sued, and to take charge of such section or sections, or parts of section or sections, and to manage the same according to the best interests thereof. [87 v. 112.]

SEC. 1369. The trustees and treasurer shall hold their offices for three years, and a like election shall be held every third year, of which the trustees shall give fifteen days previous notice as aforesaid, and they failing so to do, any elector may at any time thereafter, by like notice, call an election. Provided, however, that in all counties having at the last federal census a population of not less than 17,566 nor more than 17,570, if said trustees shall at any time fail to give said fifteen days' notice as aforesaid, then the county auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties and have the same powers as if elected as aforesaid. [93 v. 151].

Terms of office
and subsequent
election.

Carroll county.

SEC. 1371. When it comes to the knowledge of the county auditor that the electors of any such township have failed to apply to the commissioners as aforesaid, for one year after such application is authorized, or that in any such township the trustees and treasurer elected have failed to qualify or to perform the duties incumbent upon them, the auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties, and have the same powers as if elected as aforesaid. And in case the term of office of such trustees and treasurer have expired, and no successors have been elected or appointed, as by this chapter provided, an election may be ordered, as provided in section thirteen hundred and sixty-seven. In case such application is made, the commissioners of the county in which said reserved section, or part thereof, is substituted, shall order an election, designating the time and place of holding the same. They shall appoint three judges and two clerks to conduct such election, who shall give notice of the same by posting in some of the most public places within such township, written or printed notices thereof. Said election shall be conducted in the same manner as township elections in civil townships. [91 v. 276.]

When auditor
may appoint
trustees and
treasurer.

When may be
elected.

SEC. 1418. Section sixteen, and all lands in lieu thereof, granted for school purposes, may be sold, and such sales shall be according to the regulations hereinafter prescribed. [70 v. 195, § 133.]

School lands
may be sold.

SEC. 1419. In cases where there has been no vote taken for the sale of any such land, the trustees of any township to which such lands belong, shall, at least thirty days prior to the taking of such vote, cause not less than eight notices to be posted up in as many of the most public places of such township, notifying the voters resident therein to meet at some convenient place and time therein specified, and then and there cast their ballots for or against the sale of any such lands belonging to such township; and if such vote result in a refusal to sell such lands, the trustees may, in the same manner, authorize the taking of a subsequent vote as often as they deem proper; but no such subsequent vote shall be taken until one year has elapsed since the last preceding vote. [70 v. 195, § 134.]

Proceedings
when vote has
not been taken.

Trustees may
authorize sub-
sequent vote.

Trustees of
township shall
preside at
meeting.

Poll-book shall
be deposited
with auditor.

Election in new
township.

When and where
election to be
held.

Judges and
clerks.

Place of holding
elections.

SEC. 1420. The trustees of the township shall preside at the taking of such ballots, and shall appoint two clerks, who shall keep two poll-books, containing the names of the voters and the result of the ballot, which poll-books must be signed by the trustees and clerks; and in case such ballots result in favor of a sale, the trustees shall, within ten days after such election, deposit one of said poll-books with the auditor of the county within which said lands (or the greater portion thereof) are situated, with a copy of the notice given, and the affidavit of one or more of the trustees, stating the manner of giving said notices, and the time and place of putting up the same, which notices, affidavit, and poll-book shall be by said auditor copied into a book for that purpose to be provided, and when so recorded, such record shall be proof of the facts therein stated. [70 v. 195, § 135.]

CIVIL TOWNSHIPS.

SEC. 1441. When a new township is set off, the county commissioners shall forthwith give public notice by advertisement, in three public places in such township, at least ten days before the time, of the time and place of holding an election for township officers, and the electors of such township shall at such time and place assemble, and then and there elect township officers; and the officers so elected shall hold their offices until the next annual township election, and their successors are elected and qualified. [51 v. 489, § 4.]

SEC. 1442. On the first Monday of April, annually, the electors of each township shall assemble at such place as is appointed by the trustees thereof (or by the advertisement of the commissioners, in case of a newly set off township), for the purpose of electing their township officers; and the electors, when so assembled to the number of twelve or more, either at the annual or any special township election or meeting, between the hours of six and ten before noon, shall proceed to choose, *viva voce*, three persons having the qualification of electors, judges of the election, and two persons having like qualifications, to serve as clerks; but in townships for which township officers have been chosen for the preceding year, the trustees shall serve as judges, and the clerk and such other person as the judges appoint, shall serve as clerks of election then to be held, and if either of the trustees or clerks fail to attend, the place of such trustee or clerk shall be filled by the electors, *viva voce*, as aforesaid; provided, that, if the trustees of any township belong to the same political party, then the person not a member of the same political party as the trustees, having received the next highest vote for the office of trustee at the next preceding township election shall act as judge in the place of the trustee last elected for the term of three years; and provided, further, that the clerk selected as herein provided shall not be a member of the same political party as the township clerk. [89 v. 195.]

SEC. 1443. The trustees shall fix the place of holding elections within their township, or of any election precinct

thereof, and they may purchase or lease for this purpose a house and suitable grounds, or by permanent lease or otherwise, a site, and erect thereon a house; and upon a vote of a majority of the electors of the township or a precinct thereof voting at any general election in favor of a tax therefor, at least thirty days' notice having been given by posting up such written notices in at least five of the most public places in such township or precinct that at such election a vote would be taken for or against a tax to purchase a site and build a town hall, the trustees may purchase a site and erect thereon a town hall for such township or precinct, the whole not to cost over two thousand dollars, and levy a tax on all the taxable property within such township or precinct to pay the same. [90 v. 257.]

Town hall.

SEC. 2935. If a judge of election, or the clerk of any township, fail to attend at the time and place of holding elections, or is a candidate for a state or county office, the electors present shall choose, *viva voce*, a suitable person, having the qualifications of an elector, to act in place of such absentee or candidate, as judge or clerk of such election; and in the election of such person or persons, the same limitations and restrictions shall be observed as are prescribed in section two thousand nine hundred and twenty-six, so that the two leading political parties, in all cases, shall have a representation on the board; and previous to the reception of any vote, such judge or clerk, or any judge or clerk not being already duly sworn and qualified according to law, shall take an oath, which may be administered by any trustee or clerk of a township, or councilman, or other person authorized to administer oaths, in the following form: "You, A. B., do solemnly swear (or affirm) that you will perform the duties of judge, or clerk, of the election, as the case may be, according to law and the best of your ability, and that you will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same." [89 v. 426.]

Vacancy in
office of judge
or clerk.Oath of judges
and clerks.

SEC. 2936. A person elected judge of election who refuses to qualify as such, or a judge of election or clerk who refuses to discharge the duties imposed by law, or a person chosen to act in place of either, who refuses to act, shall forfeit and pay a sum not exceeding twenty dollars, for the use of the county, to be recovered, with costs, in the name of the county, before any justice of the peace of the proper township. [89 v. 426.]

Penalty for re-
fusal to serve as
judge or clerk.

SEC. 1444. The trustees at every election, or township meeting, have power to cause any disorderly person to be removed, and, if necessary, confined until the close of such election, or meeting; and every constable present shall obey their orders and directions, for the purpose of preserving order at such meeting. [51 v. 489., § 24.]

Shall preserve
order at elec-
tions.

SEC. 1445. At least twenty days before the annual township meeting, the trustees shall issue their warrant to a constable of the township, directing him to notify the elec-

Notice of
annual town-
ship meeting
for election, etc.

tors of such township to assemble at the time and place appointed for the annual meeting and said warrant shall enumerate the officers to be chosen at such meeting; and on application of two or more freeholders of the township, for that purpose, the trustees shall insert in said warrant such other business, matter, or thing, as may be proposed to be submitted to said township meeting. [51 v. 489, § 16.]

How notice served.

SEC. 1446. The constable who receives such warrant shall notify the electors of the township, by setting up copies of such warrant in at least three public places in such township, at least ten days before the meeting of the electors; but where the office of one or more of the trustees is vacant, the township clerk, together with the trustee or trustees in office, shall issue the warrant aforesaid. [51 v. 489, § 17.]

SEC. 1447. Before receiving any votes, the judges and clerks who are not trustees or township clerk shall take the oath of office, which may be administered by them. [51 v. 489, § 6.]

SEC. 1448. After the judges and clerks have been qualified as aforesaid, the electors shall proceed to the election of one township clerk, one trustee, one township treasurer and such number of constables as may be directed by the trustees, and one supervisor of roads by the electors of each road district, and one assessor for the township, or if the township is divided into two or more election precincts, then for each precinct in which such election is held; provided, that when any precinct in any county is composed of territory from two or more townships, for the purpose of electing assessors such territory shall be considered as part of the precinct adjacent thereto, in the township in which it is located, excepting in counties containing cities of the first grade of the first class; and the judges and clerks in discharging their duties in said election shall be governed in all respects by the law regulating elections, but it shall not be necessary to send a poll-book to the clerk of the court of common pleas of the proper county; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices directed to be filled, the clerk and judges of the election shall determine by lot which of the persons is duly elected; and the officers so elected shall hold their respective offices for the following terms, and until their successors are elected and qualified: Supervisors of roads and assessors, one year; township clerk and treasurer, two years; and constables, three years; and trustees, three years; provided, that at the first annual election of any new township there shall be elected three trustees, the one receiving the highest number of votes to serve three years; the one receiving the next highest number of votes to serve two years, and the one receiving the next highest number of votes to serve one year; should any two or more of those elected receive the same number of votes, they, at the first meeting of the board after their election, shall determine by lot the term for which each of them receiving an equal number of votes shall respectively hold the office; and provided, further, that at the next annual election after the passage of this act,

Who to be sworn as judges and clerks, and by whom.

Election of township officers.

Assessor when precinct composed of territory from two or more townships; Hamilton county.

Laws governing judges and clerks.

Tie vote.

Terms of office.

Trustees of new township.

Tie vote.

Treasurer and clerk.

and at the first election of any new township, a treasurer shall be elected for one year and a clerk for two years, and thereafter a township treasurer and clerk shall not be elected at the same annual election. [90 v. 144.]

SEC. 1450. In case that there should not at any annual meeting, provided for in this chapter, be a sufficient number of electors assembled for holding the election, so that no township officer can be chosen by the electors, the trustees shall appoint all other officers in this chapter enumerated [51 v. 489, § 21.]

SEC. 1456. Every supervisor of roads shall be a resident of the district for which he is elected; and no elector shall vote for more than one supervisor of roads, or for any person for that office who is not an actual resident of the district in which said elector resides, and if a ballot contains more than one name for the office of supervisor, or if it appears to the satisfaction of the judges of election that an elector has voted for any person for that office other than for the district in which such elector resides, such vote, as to that office, shall be deemed void; and if, on counting the votes, it appears that there were more votes given for supervisor of a district than there were resident electors of such district voting at such election, the judges shall declare the election, as to that district, void; and the vacancy shall be filled by the trustees, as in other cases of vacancy. [51 v. 489, § 14; 58 v. 123, § 1; 65 v. 14, § 2.]

SEC. 1476. The trustees of any township, on the petition of twenty electors thereof, shall upon four weeks' public notice, published in some paper of general circulation in the county, submit to the electors of such township, at some general election in April or November, the question whether there shall be a public library established in such township for the use and benefit of the citizens thereof, and those voting at such election in favor of such library, shall put upon their ballots the words "public library — yes," and those voting thereat against such library, the words, "public library — no;" and if a majority of the electors voting at such election vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property of such township a tax not exceeding one-tenth of one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library as aforesaid, and the procuring of a suitable room or rooms for the same. (70 v. 244,1.) [95 v. 506.]

SEC. 1485. The trustees of any township are authorized to levy a tax in such amount, as shall be by them determined, to purchase a hearse and build a vault, or for either of said purposes, for the use of said township, to be under the control of the trustees thereof, or some person appointed by them; but the question of levying such tax, for either or both of said purposes, and the amount asked therefore, shall be separately submitted to the qualified electors of the township at some general election, twenty days' notice thereof having been previously given by posting, in at least

When trustees
shall appoint
other officers

Who may be
supervisor, and
how elected.

Question of
public library
shall be sub-
mitted to
electors.

When tax may
be levied and
how much.

Hearse and
vault may be
provided, if
electors vote 'c
same.

three public places in said township; the notice shall state specifically the amount to be raised, and for what purpose, either for purchase of hearse, or erection of vault, and if a majority of all the votes cast at such election are in favor of either, or both of said propositions, the same shall be considered adopted, and the tax herein provided for authorized. [75 v. 46, § 1.]

Election therefor.

SEC. 1486. The electors voting at said election shall have placed on their ballots the words, "Tax for hearse—Yes," or "Tax for hearse—No," and upon the same ballot, "Tax for vault—Yes," or "Tax for vault—No," and may vote for one proposition and against the other, or for or against both. [75 v. 46 § 2.]

NEWLY CREATED HAMLET OR VILLAGE.

Election of officers.

SEC. 1565. The first election of officers for such corporation shall be at the first annual municipal election after its creation, and the place of holding the election shall be fixed by the agent of the petitioners, and notice thereof, printed or plainly written, shall be posted by him at three or more public places within the limits of the corporation, at least ten days before the election; which election shall be conducted, and the officers chosen and qualified, in the manner prescribed for the election of township officers; provided, that such first election may be a special election held at any time not exceeding six months after the incorporation, and the time and place of holding such special election shall be fixed by the agent aforesaid, and notice thereof shall be given as is required in this section for the annual municipal election. [73 v. 157, § 24.]

Incorporation of territory surrounding summer resort, etc.

SEC. 1566a. That any territory requiring police protection and containing a population of not less than fifty persons and immediately surrounding a summer resort, park, lake or picnic ground, kept regularly for such outing and pleasure, may incorporate by setting up notices of an election in three of the most public places in the territory proposed to be included in the corporation signed by five citizens and electors of the territory. Said notices to be posted at least ten days before the election, stating time and place where such election shall be held, and shall contain an accurate description of the territory proposed to be taken into the incorporation. The election shall as far as practicable be conducted in the manner prescribed for the election of township officers. The electors present shall choose three judges and two clerks from the electors present to act as judges and clerks of said election, and the ballot shall contain the words: "For incorporation" and "Against incorporation." If the majority of the ballots cast at such election shall contain the words "For incorporation," it shall be deemed that the citizens of said designated territory have assented to such incorporation. And, if the majority of the ballots cast at such election shall contain the words "Against incorporation," it shall be deemed that the people of said designated territory shall not have assented to the incorporation thereof..

Such laws governing the creation and regulation of incorporated villages in force and such as may be hereinafter enacted shall have full force and effect in so far as are not inconsistent and do not conflict with the provisions of this act. [95 v. 469.]

Laws to govern.

ADVANCEMENT OF HAMLET TO VILLAGE.

SEC. 1572. When the inhabitants of a hamlet, or any portion thereof, desire that the corporation or part thereof be advanced to a village, they shall make application to the trustees of the hamlet, by petition, signed by at least fifty electors thereof, a majority of whom shall be freeholders. [66 v. 154, §§ 29, 30.]

SEC. 1573. The petition shall contain the statement that the hamlet contains the requisite population for a village, and that it is the desire of the inhabitants to be so advanced, and also the request of the petitioners that an election be held to obtain the sense of the electors upon such advancement. [66 v. 154, § 31.]

SEC. 1574. When the trustees receive the petition, and are satisfied that the persons who signed it are electors and reside within the corporation, and that a majority of them are freeholders, they shall fix the time and place for holding the election, and cause written or printed notices thereof to be posted in three or more public places in the hamlet, at least three weeks prior to the election. [66 v. 154, § 32.]

Fixing time and place of election.

SEC. 1575. The trustees of the corporation shall be judges of the election, and the election shall, as far as practicable, be conducted in the manner prescribed for the election of township officers, and the ballot shall contain the words, "For village," or the words, "Against village." [66 v. 154, § 33.]

Conduct of election.

SEC. 1581. The first election of officers of such village shall be at the first annual municipal election after the forwarding of the transcript by the recorder; and the trustees of the hamlet shall remain in office until the officers of the new corporation are elected and qualified; and the by-laws, regulations, and ordinances adopted for the government of such hamlet shall remain in force, so far as they are consistent with the provisions of this title, until repealed by the council of such village; and at the expiration of their term of office, the trustees shall, on demand, deliver to the clerk of the village all books, papers, and documents in their possession pertaining to the corporation. [66 v. 155, § 39.]

Election of officers.

By-laws, etc., to remain in force.

Books, etc., to be delivered to successors.

ADVANCEMENT OF CITY OR VILLAGE.

SEC. 1582. When a petition, signed by one hundred freeholders of a village, or two hundred freeholders of a city of the second class, is presented to the council of the corporation in which the signers reside, setting forth that they desire such village to be advanced to a city of the second class, or such city of the second class from a lower to a higher grade in the second class, or to a city of the first class, and that they have the requisite population for such advancement, the council shall cause notice to be given by the mayor, as in other cases, that at the next annual election

Petition.

Order for vote or question.

for officers of such city or village, the electors may vote for or against the advancement, their ballots to contain the words, "For advancement," or the words "Against advancement." [80 v. 75.]

**Certificate as to
such vote.**

SEC. 1583. The clerks and judges of such election shall forthwith certify, in duplicate, to the clerk of the corporation, the whole number of votes given at such election, the number given for the advancement, and the number against it. [66 v. 156, § 41.]

**Election of
officers.**

SEC. 1588. The first election of officers of the new corporation shall be at the first annual municipal election after such proceedings, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, by-laws, and resolutions adopted by the old corporation shall, as far as consistent with this title, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, after the expiration of their term of office, deliver to the proper officers of the new corporation all the books of record, documents, and papers in their possession belonging to the old corporation. [66 v. 157, § 46.]

**Books, etc., of
old corporation
and officers.**

REDUCTION OF CITY TO VILLAGE.

**Reduction of
city to village.**

SEC. 1633. A city of the second class may surrender its corporate rights, and be reduced to a village, in the manner hereafter specified. [66 v. 269, § 706.]

**Petition
therefor.**

SEC. 1634. A petition for the purpose, signed by at least one hundred of the adult freeholders of the corporation, shall be presented to the council, setting forth that it is the desire of the majority of the citizens of the corporation to surrender their corporate rights and be reduced to a village, and it shall contain a prayer, that an election may be held to determine the sense of the electors upon the subject. [66 v. 269, § 707.]

**Notice of elec-
tion to be given.**

SEC. 1635. The council shall thereupon fix a day and place for holding the election, and shall cause the clerk of the corporation to give notice thereof and of the object of the election, in one or more newspapers published in such city, and by posters set up in five or more public places within the corporation, for the period of not less than twenty days next prior to the day of holding the election. [66 v. 269, § 708.]

**The ballots.
Election, how
conducted.**

SEC. 1636. The ballot cast at such election shall contain the words "For surrender" or "Against surrender," and such election shall be held and conducted in the same manner and by the same officers as other elections in the corporation, and the laws of the state regulating elections shall govern the same as far as applicable. [66 v. 269, § 709.]

**How poll-books
and tally-sheets
certified.**

SEC. 1637. The officers holding the election shall, after counting the ballots, forthwith certify and cause to be delivered to the clerk of the corporation, in a sealed envelope, having endorsed thereon the nature of its contents, the poll-book and tally-sheets of such election. [66 v. 269, § 710.]

SEC. 1638. The clerk, upon receiving the poll-book and tally-sheets, shall file and preserve the same in his office until the next regular meeting of the council, when the council shall cause them to be opened and the result of the election declared and entered on its journal. [66 v, 269 § 711.]

And opened by council.

SEC. 1639. If the majority of the votes cast at the election is "For surrender," the council shall, by resolution, declare that by the determination of the legal voters, at a special election held for the purpose, the corporate rights of such corporation are surrendered, or that such city is reduced to a village, and shall thereafter be known as the village of _____, according to the fact. [72 v. 47, § 712.]

Result to be declared.

SURRENDER OF MUNICIPAL POWERS.

SEC. 1643. Villages may surrender their corporate rights, or be reduced to hamlets, and hamlets may surrender their corporate rights in the same manner, so far as applicable, as is provided in the preceding sections in this chapter for the surrender of corporate rights by cities of the second class; and the duties of all officers in respect thereto, and proceedings thereafter, so far as applicable, shall be the same as prescribed in the preceding section. [72 v. 47, § 715.]

Surrender, etc., by villages and hamlets of their powers.

SEC. 1644. Where the petition is by the electors of a village or hamlet, it shall be sufficient if signed by a majority of its electors, if such electors are less than one hundred in number; but if the electors are one hundred or more in number, then by not less than fifty of such electors. [72 v. 47, § 715.]

Petition therefor.

SEC. 1645. On the petition of at least two-thirds of the adult freeholders inhabiting any portion of the territory of a village, setting forth a desire to surrender their corporate rights, and be detached from the corporation, the same proceedings shall be had as are provided in this chapter, with respect to reduction in grade, as far as the same may be applicable, including a submission of the question to the legal voters of the village. * * * [72 v. 47, § 715.]

Same proceedings as in case of cities.

ELECTION OF MUNICIPAL OFFICERS.

SEC. 1718. In municipal corporations divided into wards, an assessor shall be elected in each ward at every annual election. He shall take the same oath, give the same bond and perform the same duties as are provided with respect to township assessors. Provided, that in any township, composed in part of a municipal corporation or municipal corporations, the county commissioners may, by order entered on their journal, constitute the territory outside such municipal corporation or corporations one or more assessor districts, in each of which an assessor shall be elected, annually, in accordance with law. Provided, also, that nothing herein shall interfere with the duties now devolving upon deputy state supervisors of elections. [91 v. 76.]

Election, oath, bond and duties of assessors.

Assessor districts in certain townships.

Duties of deputy supervisors.

Time of annual election in municipal corporations.

SEC. 1723. The first Monday of April shall be the regular annual period for the election of officers of municipal corporations: provided, that any village situate in a township where the annual elections are held outside of the limits of such village, the council of such village may, by ordinance, fix the time for holding the annual election for the officers of such village on the Saturday next preceding the first Monday in April. [79 v. 10.]

Manner of filling vacancy in council or board of aldermen.

SEC. 1724. When a vacancy happens in the members of the council, or board of aldermen, a special election shall be held within twenty days thereafter, unless the annual municipal election occurs within sixty days after the vacancy; and the mayor shall designate the time and place, or places, of such election, but at least ten days' public notice of it shall be given: provided, that in a village, the mayor, by and with the consent of the council, shall have power to fill vacancies in the board from the electors of the corporation, to serve until the next annual municipal election, when a person shall be elected to serve for the unexpired term. [92 v. 77.]

Designation of election.

SEC. 1725. The council of every municipal corporation shall designate the place or places for holding the regular elections; and in all corporations divided into wards, there shall be a place or places in each ward designated for holding elections. [67 v. 70, § 72.]

Mayor's election proclamation.

SEC. 1726. The mayor, previous to any election for a municipal officer or officers, shall issue a proclamation to the electors of the corporation, or of the respective wards or districts, as the case may require, setting forth the time and places of election, and the officers to be chosen, and cause such proclamation to be published in some newspaper printed in the corporation, at least ten days previous to the election, or if no such newspaper is published in the corporation, such notice may be given by posters. [66 v. 161, § 73.]

Who are electors

SEC. 1727. A person who, at the time of an election for municipal officers, is an elector for county officers, and resides in the ward, or corporation, if there be no wards, in which he offers to vote, is a qualified elector; and the election shall be held and conducted, in all respects, in the manner prescribed by law in case of township elections. [66 v. 162, § 74.]

Election returns; when opened.

SEC. 1728. Returns of municipal elections in corporations which are divided into election districts or wards, shall be made to the clerk of the corporation, and be opened by him within the time prescribed for the opening, by the clerk of the court of common pleas, of the returns of county elections. [66 v. 162, § 75.]

Abstract of votes.

SEC. 1729. The clerk, or in his absence or disability, some person to be selected by the council, shall call to his assistance the mayor, and in his presence, make an abstract and ascertain the candidates elected, in all respects as required by law of the clerk of the court of common pleas with respect to county officers; and he shall, in like man-

ner, make a certificate as to each candidate so elected, and cause the same to be delivered to him, or left at his usual place of abode; provided, that if there is no mayor, or the mayor is absent or disabled, or a candidate at such election, the clerk shall call to his assistance a justice of the peace of the county. [66 v. 162, § 76.]

SEC. 1731. If the result cannot be determined from the votes cast, for the reason that more than the number of persons to be elected have an equal number of votes for the same office, then the officers whose duty it is to ascertain the persons elected, shall determine by lot which of such persons shall be declared elected; and the election of any municipal officer, except a member of the council, may be contested in the manner provided by law for contesting the election of justices of the peace, except in cities of the first grade of the first class, such election may be contested only in the manner provided for contesting the election of county officers. [67 v. 70, § 78.]

Tie vote; decision by lot.

MAYOR.

SEC. 1838. The mayor shall, three days previous to and on the day of any election, issue a proclamation to the public, setting forth therein the substance of the enactments to prohibit the sale of intoxicating liquors on that day; and it shall be the duty of the mayor to take proper measures for the enforcement of such enactments. [61 v. 24, § 1.]

Proclamation as to sale of liquors on election day.

SEC. 1891. The mayor shall detail, on the day of any primary or other election in such city, one or more patrolmen, as he may deem necessary, to each election poll, to aid in the preservation of order and the protection of voters and challengers, and such patrolmen shall be subject to the lawful orders of the judges of said election, given for the enforcement of law and for the protection of the rights of electors and the preservation of the purity of the ballot. [83 v. 53.]

Duty of mayor and police force at elections.

TOWN HALLS.

SEC. 2563. The electors of a village, or of a city of the third and fourth grades of the second class, may at an annual municipal election, decide by ballot for or against levying a tax upon all the property subject to taxation in such municipal corporation for the purpose of erecting a public hall, or for the purpose of improving, enlarging, or making additions to a hall already erected, ten days' notice of such election being given by the order of the mayor, at the request of twenty-five freeholders of the corporation, by notice in a newspaper published in, or of general circulation in such municipal corporation; but this section shall not be construed as a limitation of the power conferred in the preceding section of this chapter; and if two-thirds of the ballots cast at such election be in favor of such improvement, the provisions of [sections] twenty-five hundred and sixty-one, and twenty-five hundred and sixty-two shall be applicable thereto. [81 v. 41.]

Question of building or improving public halls may be submitted to electors.

Notice of such election, how given.

Union of municipal corporation and township to build hall.

SEC. 2564. The electors of a village, or of a city of the third and fourth grades of the second class, and the electors of the township in which the municipal corporation is situated, holding separate elections, on such notice as is provided for in the preceding section, may, if both so determine by such vote, unite in the erection of such public hall, the notice of the election by the electors of the township to be given by the township clerk, on the order of the township trustees, on the application of ten freeholders of the township, not residing in the municipal corporation. [64 v. 140, § 1.]

TOWNSHIP AND MUNICIPAL BONDS.

Townships and municipalities may issue and sell bonds for purposes specified in this act.

SEC. 2835. That the trustees of any township or hamlet, or the council, board of legislation or other legislative body or bodies of any city, village, or other municipal corporation of the state of Ohio, shall have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by law for the sale of bonds by such township, hamlet, city, village or other municipal corporation, for any of the purposes provided for in this act, whenever such trustees, council, board of legislation or other legislative body or bodies by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

1. For procuring the real estate and right of way for any improvement authorized by this section.
2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.
3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matter.
4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.
5. For constructing wharves and landings on navigable waters.
6. For erecting infirmaries.
7. For erecting workhouses, prisons and police stations.
8. For erecting houses of refuge and corrections.
9. For erecting market houses and providing market places.
10. For erecting public halls and public offices.
11. For erecting or purchasing waterworks and supplying water to the township, hamlet or corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the township, hamlet or corporation and the inhabitants thereof.
13. For providing grounds for cemeteries for enclosing and embellishing the same, and for erecting vaults.
14. For constructing sewers, sewage disposal works flushing tunnels, drains and ditches.
15. For establishing free public libraries and reading-rooms.
16. For the establishment of free public baths.
17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state or nation.
18. For improving any watercourse or water front.
19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.
20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park or parks.
21. For erecting hospitals and pest houses and for rebuilding, repairing, or improving existing hospitals and pest houses.
22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.
23. For opening, widening and extending any street or public highway.
24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.
25. For constructing levees and embankments or paving or improving the same, and for improving any watercourse passing through said township, hamlet or municipal corporation.
26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.
27. For erecting any buildings necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and paying the cost of placing under ground the wires or other signal apparatus of any fire department.

The bonds herein authorized may be issued for any or all purposes enumerated herein, but the total bonded indebtedness hereafter created in any one fiscal year under the authority of this act by any township, hamlet, or municipal corporation, shall not exceed one (1) per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act.

Total bonded indebtedness permitted to be created by township or municipality in any one year.

Exception —
may exceed
said amount
after submis-
sion of ques-
tion to vote.

Whenever the trustees of any township, or hamlet, or the council, board of legislation or other legislative body or bodies of any municipal corporation, shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township, hamlet, or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township, hamlet or municipal corporation at a general or special election in the manner provided in section 2837, Revised Statutes.

Aggregate
amount of
bonded in-
debt edness
permitted to
township or
municipality
at any time;
exception.

Provided, however, that the aggregate amount of all outstanding and unpaid bonds hereafter issued under the authority of this act shall never exceed four per cent. of the total value of all property in such township, hamlet or municipal corporation as listed and assessed for taxation, unless an excess of such amount is authorized by a vote of the qualified electors in such township, hamlet, or other municipal corporation in the manner provided in section 2837, Revised Statutes. [90 v. 229; 95 v. 318.]

Tax shall be
levied to pay
bonds
and interest.

SEC. 2836. For the payment of bonds issued under the authority of section 2835 of the Revised Statutes or issued after a submission of the question to the people under the provisions of section 2837 of the Revised Statutes, the trustees of any township, or hamlet, or the council, board of legislation or other legislative body or bodies of any municipal corporation, shall levy a tax in addition to all levies now authorized by law, every year during the period said bonds have to run sufficient to pay the interest on said bonds and to provide a sinking fund for their final redemption at maturity. [76 v. 158; 95 v. 321.]

Procedure
when question
of bond issue
must be sub-
mitted to
vote.

SEC. 2837. Before any bonds in excess of the said one per cent. in any one year or in excess of the said four per cent. in the aggregate are issued or tax levied, as provided in sections 2835 and 2836, Revised Statutes, the question of issuing the same shall be submitted to the voters of the township, hamlet, or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council, board of legislation or other legislative body or bodies of any municipal corporation shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such township, hamlet, or municipal corporation, as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in excess of the amounts therein authorized, and shall by such resolution or ordinance fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of

such township, hamlet or municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such township, hamlet or municipal corporation is situated, or board of elections in such cities as have such boards, and such deputy state supervisors, or such boards of election shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as April elections in such township, hamlet, or municipal corporation for the election of officers thereof; provided, however, that when a special election for such purposes is held in a municipal corporation divided into wards there shall be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required certificates of removal shall not be necessary except when transfers are required from one ward to another, and the board of elections of all such cities shall issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more papers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the township, hamlet or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds for such excess shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots in quotation, "For the issue of bonds"; and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." Provided, however, that no township, hamlet, or municipal corporation shall hereafter create or assume an aggregate indebtedness of outstanding and unpaid bonds under the authority of this act in excess of eight per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation. Provided, further, that in cases where the trustees of any township or hamlet have, or the council, board of legislation, or any other legislative body or bodies of any city, village, or other municipal corporation, has heretofore passed a resolution or ordinance declaring it necessary to issue and sell bonds of such township, hamlet or municipal corporation, for any

Number of votes necessary to authorize issue.

Total aggregate bonded indebtedness permitted.

Limitation in amount as fixed by this act, shall not apply to bond issues already authorized.

of the purposes authorized by law, the provisions of this act limiting the aggregate amount of bonds to be issued shall not be construed to apply to the bonds provided for in such resolution or ordinance. [90 v. 229; 91 v. 107; 95 v. 111; 95 v. 321.]

AN ACT

To authorize cities to issue bonds for park purposes.

Be it enacted by the General Assembly of the State of Ohio:

Cities authorized to issue bonds for park purposes.

SEC. 1. That any city in the state of Ohio be and the same is hereby authorized to issue, in addition to any bonds heretofore authorized to be issued, the bonds of any such city in any sum or sums, not exceeding in amount such a sum as shall be eight-tenths of one per centum of the total valuation for taxation of all taxable property within such municipal corporation, as the same shall appear upon the county duplicate for the year in which such bonds are issued, said bonds to be issued and sold in the manner prescribed by law. The proceeds of any bonds issued under authority of this act shall be exclusively used to acquire and improve the necessary land for the establishment of a park in connection with public buildings in any such city.

Shall not be considered as increasing aggregate city debt.

SEC. 2. Bonds issued under authority of this act shall not be considered as increasing the aggregate debt of any such city, as contemplated in section 2704 of the Revised Statutes of Ohio.

Submission of question of bond issue to vote, etc.

SEC. 3. Before any such bonds are issued such question shall be submitted to the voters of such city at a special or general election, such election to be designated by ordinance duly adopted by the council of such city, and which ordinance shall contain a description of the land and specify the purposes for which the proceeds of such bonds are to be expended and if a majority of the voters voting at such election, upon the question of issuing the bonds, vote in favor thereof, then and not otherwise, the bonds shall be issued and the taxes levied. [95 v. 438.]

AN ACT

Authorizing the issuing of bonds of municipal corporations for enlarging, improving or extending natural gas works, and providing for submitting issuing the same to a vote of the people.

Be it enacted by the General Assembly of the State of Ohio:

Municipalities authorized to issue bonds for purpose of improving natural gas works.

SEC. 1. That the council, board of legislation or other legislative body or bodies of any municipal corporation of the state of Ohio shall have power to issue and sell bonds in such manner as is provided by law for the sale of bonds by municipal corporations, at a rate of interest not exceeding six per cent., whenever such council, board of legislation or other legislative body or bodies, by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall, by resolution or ordinance, deem the same necessary for the purpose of extending, enlarging,

improving, repairing or securing a more complete enjoyment of any natural gas works owned by such municipal corporation, subject, however, to the provisions of section 2 of this act.

SEC. 2. Before any such bonds are issued, the question of issuing the same shall be submitted to the voters of the municipal corporation at a general or special election, whenever the council, board of legislation or other legislative body or bodies of any municipal corporation shall, by resolution or ordinance, passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such municipal corporation for any of the purposes set forth in section 1 of this act, they shall, by such resolution or ordinance fix the date upon which the question of the issue and sale of such bonds shall be submitted to the electors of such municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such municipal corporation is situated, or board of elections in such cities as have such boards, and such deputy state supervisors or such boards of elections shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in such resolution or ordinance. Such election shall be held at the regular place or places of voting in such municipal corporation, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as April elections in such municipal corporation for the election of officers thereof; provided, however, that, when a special election for such purpose is held in a municipal corporation divided into wards, there shall be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections, or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required, certificates of removal shall not be necessary, except where transfers are required from one ward to another, and the board of elections of all such cities [shall] issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and, if no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the municipal corporation. If two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then, and not otherwise, the bonds shall be issued, and a tax may be levied for the purpose of paying the interest and principal upon such bonds. Those who vote in favor of the proposition shall have writ-

Question of
issue to be
submitted to
vote.

ten or printed on their ballots, in quotation, "For the issue of bonds" those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." [95 v. 478.]

* PRIMARY ELECTIONS.

When the provisions of this chapter apply.

Notice.

Time of in Cincinnati.

Notice—when to be published and posted.

Oath of supervisor.

Judges and clerks; exception as to Dayton and Montgomery county.

SEC. 2916. When any voluntary political association or party, in any district, county, township, or municipal corporation, causes notice of the holding of any primary election to be published, as provided in the next two sections, such election shall be held and conducted under the provisions of this chapter. [68 v. 27, § 7.]

SEC. 2917. Such notice must be ordered by a vote of the majority of the executive, central or controlling committee of such association or party, and state the authority by which it is published, the purpose, time, manner, conditions, and places of the holding of such primary elections, the name of a legal voter of the precinct, who is to preside and supervise at such poll, and shall prescribe the qualifications, not inconsistent with the provisions of this chapter, of the persons to vote at such elections; provided, that in cities of the first grade of the first class, all primary elections shall be held between the hours of four p. m. and seven p. m. [83 v. 190.]

SEC. 2918. At least five days previous to any such election, such notice shall be published in newspapers printed and of general circulation in each county of the district, or where the election is held in the territory of a single county, in such newspaper of that county; but the publication shall not be required in any county in which no newspaper is printed; the notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held; and proof that the notice was so posted in the other precincts shall not be required to show that any such election was legally held at any precinct in which the same was duly posted. [68 v. 27, § 2.]

SEC. 2919. The person named in the notice as supervisor, or, in his absence or refusal to serve, the person assuming or chosen by the electors present to be such supervisor, shall take an oath that he is a legal voter at such poll, that he will correctly and faithfully conduct such election, protect it against all frauds and unfairness, and carefully and truly canvass all votes cast thereat, in the manner required by the authority appointing the election; and thereupon, except in cities of the second grade of the second class and in counties containing a city of the second grade of the second class, the supervisor shall cause the electors present, possessing the qualifications of persons entitled to vote under the notice to choose two judges and two clerks

*For act relating to conduct of primary elections in Butler county, see 91 v. 769. For act relating to conduct of primary elections in Gallia county, see 91 v. 710.

of elections to assist him in receiving and taking account of the votes cast, to each of whom shall be administered the same oath taken by the supervisor; and a township trustee or clerk, or an alderman, a member of council, trustee or clerk of a municipal corporation, or a supervisor of election, who has been duly sworn, may administer the oath prescribed in this section; provided, in cities of the first class, and of the first and second grades in the second class, such primary elections shall be under the control of the board of elections, and the polling places shall [be] fixed by such board, and provided further, that in counties containing a city of the second grade of the second class, such primary elections, in the precincts outside of such city shall be under the control of the board of deputy state supervisors of elections for such county, who shall fix the polling places. Such primary elections shall be conducted as required for general elections by section 2926 and supplemental sections, so far as those sections are applicable, and the election officers shall have the powers therein conferred, and the requirements and penalties therein provided shall be enforced. There shall be two judges and a clerk at each polling place opened for the reception of ballots, who shall belong to the party or association holding the election, and who shall be assigned to duty by the board of elections or such board of deputy state supervisors of elections, as the case may be. When necessary to comply with the above requirements the board of elections or deputy state supervisors of elections shall appoint special judges and clerks for primary elections and assign them to duty, but the board of elections or deputy state supervisors of elections shall not be required to hold such primary election for more than two political parties preparatory to nominating candidates for any one election, but at its own discretion it may hold such additional elections. At the close of the canvass, the judges and clerks shall sign and deliver to the candidate having the highest number of votes for each office, or appointment to be filled, a certificate of his election and shall make out a summary statement of votes as required in section 2926^{1/2} and dispatch it to the chairman of the committee of the party holding the election, and also forthwith deliver the poll-book and tally-sheet, duly made up and certified to the board of elections or deputy state supervisors of elections, as the case may be, and in counties wherein there is a city of the second grade of the second class, where such primary election is to nominate candidates for county offices, the poll-books and tally-sheets from all the precincts in the county shall be returned by the supervisors or judges of election to the deputy state supervisors of elections, who shall canvass the returns and declare the result, and in such counties and in cities of the second grade of the second class, when such primary elections are held and the returns are made as aforesaid, it shall not be necessary to file nomination papers, but the persons appearing from such returns to be nominated shall be considered as the candidates for the respective offices and their names shall be printed upon the appropriate party ticket,

Who may administer oath.

Control in cities first class, first and second grades, second class, and Montgomery county.

Laws governing conduct.

Judges and clerks.

Special judges and clerks.

Number of primaries.

Certificates and returns of election.

Montgomery county and Dayton; filing of nomination papers unnecessary.

Canvass in case of doubt or dispute; exception as to Dayton and Montgomery county.

Opening and closing of polls.

Compensation of judges and clerks; mileage of judge or supervisor.

Expenses to be paid by Montgomery county.

Penalties relative to delegates and fraudulent voting.

Proxies unlawful in political conventions; penalty.

Challenges—by whom and for what cause made.

Duty of judges when vote challenged.

and, except in cities of the second grade of the second class and in counties containing such cities, in cases of doubt or dispute the executive committee as aforesaid, or a committee to be appointed by it, shall canvass the summary statements in the hands of the chairman, and declare the result; and such committee, in order to arrive at a correct result, may also consult and take into account the poll-books and tally-sheets in the office of the board of elections. The polls for such elections shall be opened at 4 o'clock p. m., and shall be closed at 7 o'clock p. m., unless otherwise arranged by the board of elections, or deputy state supervisors of elections. Judges and clerks shall be paid two dollars each for every such election at which they serve in the cities and counties above mentioned and each judge or supervisor delivering the returns as aforesaid, to the deputy supervisors of elections shall be allowed five cents a mile for the distance traveled by him in delivering same and returning to his home, to be paid in the manner provided for general elections. And where in cities of the second grade of the second class and in counties containing such a city, such primary election is for the nomination of candidates for other than municipal, ward or township offices, the pay of the judges, clerks, supervisors, rent of polling places and other expenses, shall be paid out of the county funds in the manner provided for paying same at general elections. The penalties relating to delegates to any convention and providing against fraudulent voting in the sections of the Revised Statutes from 7039 to 7066, inclusive, shall be enforced for the same offense at all primary elections held in this state. No delegate to any political convention in this state shall have power, by proxy or otherwise, to designate another person to serve as a delegate in his place or stead, and any person elected by a primary meeting to serve as a delegate to a convention, who shall give any power or proxy to another to serve in his place or stead, shall be guilty of a misdemeanor, and be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for every such offense. [92 v. 193.]

SEC. 2920. A qualified elector under the notice may challenge any vote offered, because the person offering it is not entitled to vote under the notice, or is not a citizen of the United States, or cannot be at the next election a legal voter of the precinct, or has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate at such election, or has voted before on the same day, at that or some other precinct, in the same election. [68 v. 27, § 4.]

SEC. 2921. Thereupon the supervisor, or one of the judges shall administer to the person offering to vote an oath that he will true answer make to such questions as may be put to him touching his qualifications to vote at such election, and shall interrogate him as to his qualifications; if such person refuse to be sworn, or, being sworn, refuse to answer any question, his vote shall be rejected; but if the oath be taken, and the questions answered satisfactorily,

and he be not successfully contradicted by the sworn testimony of witnesses who may be called, his vote shall be received and the word "sworn" shall be noted opposite his name on the poll-book. [68 v. 27, § 4.]

SEC. 2921a. That in all primary elections held in pursuance of and under the provisions of this chapter, the supervisor of elections or the judges thereof, shall, if requested by any candidate interested in the selection of delegates, permit such candidate or a representative to be selected by such candidate, to be present in the room where the judges are during the time of receiving and counting the ballots; and at all elections held within the boundary of any municipal corporation during the receiving and counting of the ballots, no persons shall congregate or loiter upon the streets, alleys and sidewalks within one hundred feet of the polling place of any election, or within such distance of one hundred feet to give or to tender or exhibit any ballot or ticket to any person other than to a judge of the election, or to exhibit any ticket or ballot which he intends to cast, or within such distance to solicit or in any way to attempt to influence any elector in casting his vote. Any person wilfully refusing or neglecting to perform any of the duties prescribed in this act or any person wilfully violating the provisions thereof shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both, at the discretion of the court. [92 v. 377.]

Presence of candidate or representative during receipt and count of ballots.

Loitering, soliciting, exhibiting ballot, etc., within one hundred feet of polls in municipality.

Penalty for violation.

POLL-BOOKS AND TALLY-SHEETS.

SEC. 1252. The deputy state supervisors shall furnish, at the expense of the county, and at least five days before the day of election, all the necessary poll-books and tally-sheets required in each voting precinct in the county, for all presidential, congressional, state, county, municipal, township or other elections. * * * [90 v. 277.]

Poll-books and tally-sheets.

BALLOT-BOXES.

SEC. 2928. The deputy state supervisors shall cause to be provided, at the expense of the county, a ballot-box for each precinct therein which may be without the same, and cause it to be deposited with the proper township or corporation clerk; and every such clerk shall cause a ballot-box, with a copy of this title, to be delivered at each place of holding elections in his township or corporation as often as elections are held therein, and after each election the same shall be forthwith returned to him by the judges of election for safekeeping; provided, that whenever a board of elections is established, the purchase and care of ballot-boxes to be used at any election under its direction shall devolve upon such board. [90 v. 277.]

Ballot-boxes.

Election pre-
cincts, how
formed.

Where elections
to be held.

Notice of hold-
ing elections.

Other election
re urns.

Opening returns
and making ab-
stracts of votes.

ELECTION PRECINCTS.

SEC. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation which is divided into wards, shall compose an election precinct, unless such township alone, or with other territory, is divided, according to law, into precincts; and each ward of any such municipal corporation shall also compose one election precinct, unless such ward is divided, according to law, into precincts; and elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be the most convenient of access for the voters of such precinct; and for each ward precinct, at such place as the council of the corporation shall designate. [77 v. 40.]

SEC. 1392. In all townships, which have been divided, the trustees shall give fifteen days' notice of the time and place of holding elections in the precincts of such townships, by posting up written or printed notices in such number of places as to them seem proper, for the general information of the electors of the several precincts. [54 v. 49, § 9.]

SEC. 1396. The returns of all elections, other than those for officers in said townships, shall be made to the proper person or officer, as is required by law in similar cases. [54 v. 49, § 9.]

ABSTRACTS AND RETURNS.

SEC. 2980. In not less than one nor more than five days after the election, or sooner, in case the returns are made, the deputy state supervisors shall proceed to open the several returns made to them and make abstracts of the votes in the following manner, viz.:

1st. Upon a single sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general.

2d. Upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner and representatives to congress.

3d. And upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, judge of the circuit court, judge of the common pleas court, representatives to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county

recorder, county surveyor, prosecuting attorney, infirmary director and coroner.

SEC. 2982. The deputy state supervisors shall not receive any paper as a poll-book of any precinct unless it be delivered to them by one of the judges of the election held in such precinct; and, in making the abstract of votes, they shall not decide on the validity of the returns, but shall be governed by the number of votes stated in the returns; and they shall certify and sign the abstracts and deposit the same in the office of the deputy state supervisors. [90 v. 279.]

Provisions relating to poll-books, abstracts and validity of returns.

TRANSMISSION OF ABSTRACTS.

SEC. 2983. The deputy state supervisor shall make and certify duplicate copies of abstract number one, and inclose and seal the same, and indorse on the envelope "Certificate of the votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general" (either or all as the case may be), and the name of the county in which the votes were given; and shall direct and forward one copy thereof by mail to the president of the senate, at Columbus, and shall deliver the other copy to a member of the general assembly, who shall deliver the same to the president of the senate, at Columbus; and shall also forthwith make, certify, seal and indorse, in manner aforesaid, a copy of abstracts numbers two and three, and transmit the same by mail to the secretary of state, at Columbus. [90 v. 280.]

Making and transmission of certified copies of abstracts.

SEC. 2989. In any election for member of congress, to fill a vacancy, the deputy state supervisors of each county embraced in the district in which the election is held shall, within six days after the election, make, and certify an abstract, in duplicate, of the votes cast at such election in their county. Such deputy state supervisors shall file one copy of the abstract in their office and shall inclose the other in an envelope, so indorsed as to show distinctly that it is an abstract of votes, for what office and from what county, and transmit it, without delay, to the secretary of state; if the secretary of state fails to receive the abstract from any county within twelve days after such election, he shall forthwith notify the deputy state supervisors of such county thereof; and they shall, on receipt of the notice, forthwith make and transmit to the secretary of state a certified copy of the duplicate on file in their office. [90 v. 280.]

Making, filing and transmission of certified copies of abstracts in election to fill vacancy in office of member of congress.

SEC. 2994. When two or more counties are joined in a judicial district, or in a judicial, senatorial or representative district, the deputy state supervisors of each county of such circuit or district having a population not the largest shall make and, within eight days after the day of election transmit by mail to the deputy state supervisors of the county in the circuit or district having the largest population an abstract showing the number of votes given in each election precinct in such county for each person who received votes for any office to be filled by the circuit or dis-

Making and transmission of certified copies of abstracts and certificates of election in circuits and districts.

trict; such abstract shall be attested by the deputy state supervisors and enclosed in an envelope so indorsed as to show distinctly that it is an abstract of votes, for what offices, and from what county; and it shall be opened and canvassed, as provided in section 2980, by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with the returns from the precinct of their county for such offices, and shall make and transmit to the persons elected certificates of their election. [90 v. 280.]

OPENING AND CLOSING OF POLLS.

When polls to be opened and closed.

Cincinnati.

Judges to open ballot-boxes in presence of spectators.

SEC. 2929. The polls shall be opened at five-thirty o'clock central standard time in the forenoon, and kept open up to and closed at five-thirty o'clock central standard time in the afternoon of the same day. Provided, that in cities of the first grade of the first class the polls shall be closed at the hour of four o'clock in the afternoon as provided by law in section twenty-nine hundred and twenty-six o (2926o) of the Revised Statutes. [90 v. 281.]

SEC. 2937. Immediately before proclamation is made of the opening of the polls, the judges, or one of them, in the presence and under the direction of the others, and in the presence of the people there assembled, shall open the ballot-boxes, and turn them upside down, so as to empty them of anything that may be in them, and offer to such persons as may desire it the privilege of examining the same in the presence of the judges, and then lock them: and the boxes shall not be again opened till the polls are closed, and the counting of the ballots begins. [67 v. 50, § 3.]

LOITERING WITHIN SEVENTY-FIVE FEET OF POLLS.

To prevent loitering within seventy-five feet of polls.

***SEC. 2938.** Judges of election shall, if requested, permit the respective candidates, or not exceeding three of their friends, to be present in the room where the judges are during the time of receiving and counting out the ballots: and at all elections held within boundaries of any municipal corporation during the receiving and counting of the ballots no person shall congregate or loiter upon the streets, alleys and sidewalks within seventy-five feet of the polling place of any election, or in any manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of seventy-five feet to give or to tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any way attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of election may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election, or any of them may order the arrest of any person violating this section, but such arrest shall not prevent such person from

* For later law modifying this section see page 108.

voting if he is entitled to do so. The sheriff, and all constables, policemen, and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any person wilfully refusing or neglecting to perform any of the duties of this section prescribed, shall be fined not less than five dollars nor more than one thousand dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both; provided that nothing in this section shall be so construed as to conflict with sections 2926 to 2926w, inclusive. [86 v. 368.]

Penalty for violation of this act.

CHALLENGES.

SEC. 2939. Judges of election shall, and any elector may, challenge every person offering to vote, whom they know or suspect is not duly qualified as an elector under the constitution and laws of the state. [39 v. 13, § 18.]

Who may challenge a person offering to vote.

SEC. 2940. If a person offering to vote be challenged as unqualified, one of the judges shall tender to him the following oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, and qualifications as an elector at this election."

How judges to proceed when person offering to vote is challenged.

First — If the person be challenged as unqualified on the ground that he is not a citizen, the judges, or one of them, shall put the following questions:

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?

If the person offering to vote claims to be a naturalized citizen of the United States, he shall, before his vote shall be received, produce, for the inspection of the judges of the election, a certificate of his naturalization, and also state under oath or affirmation, that he is the identical person named therein; but the production of the certificate shall be dispensed with if the person offering to vote state, under oath, when and where he was naturalized, that he has had a certificate of naturalization, and that, against his will, the same is lost, destroyed, or beyond his power to produce to the judges of the election; or if he state, under oath, that by reason of the naturalization of his parents, or one of them, he has become a citizen of the United States, and when and where his parent or parents were naturalized, the certificate of naturalization need not be produced.

Second — If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the judges, or one of them, shall put the following questions:

1. Have you resided in this state for one year immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—

3. When you left this state did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. Did you, while absent, look upon and regard this state as your home?

5. Did you, while absent, vote in any other state?

Third — If the person be challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote, the judges, or one of them, shall put the following questions:

1. Have you resided in this county for thirty days last past?

2. Have you resided in this precinct for twenty days last past?

3. When did you last come into this county?

4. When you came into this county, did you come for a temporary purpose merely, or for the purpose of making it your home?

5. Did you come into this county for the purpose of voting in this county?

6. Are you now an actual resident of this precinct?

Fourth — If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question: Are you twenty-one years of age, to the best of your knowledge and belief?

The judges of election, or one of them, shall put all such other questions to the person challenged, under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election. [34 v. 136, § 13.]

SEC. 2941. If a person challenged refuse to answer fully any questions put to him, as provided in the last preceding section, the judges shall reject his vote. [39 v. 13, § 14.]

SEC. 2942. If the challenge be not withdrawn after the person offering to vote has answered the questions put to him as aforesaid, one of the judges of election shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceding this election; that you are now an actual resident of this precinct; and that you have not voted at this election." [39 v. 13, § 15.]

SEC. 2943. If any person refuse to take the oath so tendered, his vote shall be rejected; and after such oath has been taken a majority of the judges may refuse to permit such person to vote if they are satisfied from record evidence, or the testimony adduced before them that he is not a legal voter; otherwise the vote shall be accepted; and they may administer the necessary oaths to all witnesses brought

If he refuses to answer any question, vote to be rejected.

Further oath if challenge not withdrawn.

Rejection of vote of person who refuses to take oath, or is not a legal voter; oaths of witnesses.

before them to testify to the qualifications of the person offering to vote. [90 v. 310.]

SEC. 2944. Whenever the vote of any person is received after he has taken the oath prescribed in section two thousand nine hundred and forty-two the clerks of the election shall write on the poll-book, at the end of such person's name, the word "sworn." [39 v. 13, § 17.]

When clerk to enter on poll-book the word "sworn."

RESIDENCE.

SEC. 2945. No person shall be permitted to vote at any election unless he shall have been a resident of the state for one year, resident of the county for thirty days, and resident of the township, village, or ward of a city or village, for twenty days, next preceding the election at which he offers to vote, except where he is the head of a family, and has resided in the state, and in the county in which such township, village or ward of a city or village, is situate, the length of time required to entitle a person to vote under the provisions of this title, and shall, bona fide, remove with his family from one ward to any other ward in such city or village, or from a ward of such city or village to a township or village in the same county, or from a township or village to a ward of a city or village in the same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, village, or ward of a city or village, without having resided therein the length of time above described to entitle a person to vote; provided, that such voter so removing with his family from a township to a village, or ward of a city or village, in the same county, shall not have the right to vote at any municipal election held in such city or village, unless he shall have resided therein twenty days prior to such municipal election. [75 v. 15, 16, § 1.]

Who entitled to vote.

SEC. 2946. All judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as the same may be applicable:

Rules to govern judges in determining residence.

1. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered to have lost his residence who leaves his home, and goes into another state, or county of this state, for temporary purposes merely, with the intention of returning.

3. A person shall not be considered to have gained a residence in any county of this state, into which he comes for temporary purposes merely, without the intention of making such county his home.

4. The place where the family of a married man resides shall be considered and held to be his place of residence, except where the husband and wife have separated and live apart, then the place where they resided at the time

of the separation shall be considered and held to be his place of residence, unless he afterward, and during the time of such separation, remove from such place, in which case the county, township, city, or village in which he resides the length of time required by the provisions of this section to entitle a person to vote, shall be considered and held to be his place of residence.

5. If a person move to another state, with an intention to make it his permanent residence, he shall be considered to have lost his residence in this state.

6. If a person remove to another state, with an intention of remaining there an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

7. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

8. If a person go into another state, and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this state.

9. All questions of the right to vote shall be heard and determined by the judges of election. [75 v. 16, § 1.]

SEC. 2947. Disabled soldiers, who are inmates of a national asylum for disabled volunteer soldiers, who are citizens of the United States, and have resided in this state one year next preceding the election, and are otherwise qualified as to age, and residence within the county and township, shall be held and deemed to have their lawful residence in the county and township in which such asylum is located. [67 v. 98, § 1.]

(2947—1.) **SEC. 1.** The legal residence of any qualified elector, who may be an inmate of any infirmary owned or maintained by any city of the first grade of the first class, shall be the ward or precinct of such city where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof. [84 v. 124.]

(2947—2.) **SEC. 1.** The legal residence of any qualified elector, who may be an inmate of any infirmary owned or maintained by any city of the first or second class, shall be the ward or precinct of such city where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof. [87 v. 316.]

(2947—3.) **SEC. 1.** The legal residence of any qualified elector, who may be an inmate of an infirmary in any county of the state, having a population at the last federal census, in 1880, and which, at any subsequent federal census, may have a population of 42,871, shall be the ward, precinct or township of such city or county where said in-

Where inmates
of soldiers'
home may vote.

Cincinnati:
legal residence
of inmates of
city infirmary.

Defining the
legal residence
of inmates of
infirmaries in
certain cities.

Defining legal
residence of
inmates of
infirmaries.

mate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof. [86 v. 244.]

BALLOTS.

SEC. 2948. All ballots for all elections other than those conducted under the act passed April 30, 1891 (O. L., 88, p. 449), shall consist of plain white paper, with the name or names written, or of plain white news printing paper, not more than two and one-half nor less than two and one-fourth inches wide, with the name or names printed in black ink, and with a blank space of not less than one-fifth of an inch lengthwise of the ticket, after one name for each office; or in case two or more persons are to be elected to the same office, like spaces after as many of the names as there are persons to be elected to that office, and without any mark or device by which one ticket may be distinguished from another, except the words at the head of each; and it shall be unlawful to print, for distribution at the polls, to furnish to an elector, or to vote, any ballot other than such as herein prescribed; provided, however, that any name may be corrected, erased, or written in pencil mark or ink. [89 v. 207.]

How ballots to be written or printed; exceptions.

INTERFERENCE WITH VOTERS.

SEC. 2951. If two or more persons congregate together in or about any voting place, during the receiving of ballots thereat, so as to hinder or delay any elector in casting his ballot, the judges of election, upon complaint made thereof, and being satisfied that substantial ground of complaint exists, shall order all such persons to disperse; and upon refusal so to disperse, such persons shall each be fined not more than three hundred nor less than twenty dollars, or imprisoned in the county jail not exceeding six months, or both. [74 v. 215, § 14.]

When judges may order persons assembled at precinct to disperse, and penalty.

FRAUDULENT BALLOTS.

SEC. 2952. When a ballot, with certain designated heading, contains, printed thereon in place of another, a name not found on the regular ballot having such heading, such name shall be regarded by the judges as having been placed thereon for the purpose of fraud, and the ballot shall not be counted for the name so found. [71 v. 31, § 2.]

When a name printed on a ticket fraudulent.

SEC. 2953. When two or more ballots are found folded or rolled together, it shall be conclusive evidence of their being fraudulent, and neither shall be counted. [50 v. 311, § 14.]

When two or more ballots are folded together.

SEC. 2954. If a ballot contain a greater number of names for any one office than the number of persons required to fill that office, it shall be considered fraudulent as to the whole of the names designated to fill such office, but no further. [50 v. 311, § 15.]

When a ballot contains too many names.

Ballots may contain less names than authorized.

Want of form shall not invalidate poll-books.

Sheriff shall issue proclamation of election.

Electors of president and vice-president to be elected.

Secretary of state to canvass returns, and governor to issue certificates and make publication.

Notice of contest of election of presidential electors.

SEC. 2955. A ballot shall not be considered fraudulent for containing a less number of names than are authorized to be inserted. [50 v. 311, § 16.]

POLL-BOOKS.

SEC. 2962. No election shall be set aside for want of form in the poll-books, provided they contain the substance. [50 v. 311, § 33.]

PRESIDENTIAL ELECTIONS.

SEC. 2967. At least fifteen days before the time for holding the election provided for in the next section, the sheriff shall give public notice by proclamation throughout his county, of the time and place of holding such election, and the number of electors to be chosen; a copy of which shall be posted up at each of the places where elections are appointed to be held, and inserted in some newspaper published in the county, if any is published therein. [61 v. 84, § 1; 50 v. 311, § 4.]

SEC. 2968. The qualified electors shall, on the Tuesday next after the first Monday in November, in the year eighteen hundred and eighty, and every fourth year thereafter, elect a number of electors of president and vice-president of the United States, equal to the number of senators and representatives this state may be entitled to in the congress of the United States; but no senator or representative in congress, or other person holding an office of trust or profit under the United States, or any law thereof, shall be eligible as an elector of president or vice-president. [61 v. 84, § 1.]

SEC. 2970. When returns are received from all the counties, the secretary of state shall, in the presence of the governor, auditor of state, and such other state officers as may choose to attend, open the abstracts of poll-books, and as they are opened, cause the same to be read aloud, and make an abstract showing the number of votes given for each person for such office; and if two or more of such persons receive an equal number of votes, the secretary of state, in the presence of the state officers aforesaid, shall determine by lot, which of such persons is duly elected; and the governor shall make, and transmit by mail to the persons having the highest number of votes, or whose election was determined by lot as aforesaid, certificates of their election to the office of elector of president and vice-president of the United States, and shall cause notice of their election to be published in three newspapers published at Columbus, two of which shall be of opposite politics. [70 v. 272, § 1.]

SEC. 2970a. Any qualified voter may contest the election of the electors so chosen, or any of them, by serving notice upon the contestee or contestants in the manner and time prescribed in section 3005, and filing a copy thereof with the governor of the state within five days after the

mailing by him of the certificates of election prescribed in section 2970; and the provisions of sections 2998, 2999, 3000 and 3001 shall apply to such contest, except that all testimony taken and all matters relating to the contest shall be sent to and filed with the secretary of state, before the day appointed by the governor for the hearing: and every such contest shall be heard and determined as hereinafter provided. [85 v. 26.]

Procedure.

SEC. 2970b. Upon the filing of the copy of such notice with the governor, it shall be his duty within five days to appoint four of the judges of the circuit courts, not more than two of whom shall be of the same political party, or so reputed to be, who, with the governor, shall be a commission to hear and determine such contest; and he shall appoint the time for such hearing, which shall be within ten days, and give them notice thereof; and thereupon a certified copy of the notice filed with the governor by the contestor, and notice in writing to the contestee or contestees of the time so appointed for the hearing, and requiring him or them to attend in the hall of the supreme court at Columbus, at such time, and answer the contest, shall be issued by the secretary of state to the sheriff of Franklin county: or if he be disqualified, to the coroner of said county, and may and shall be served by him upon such contestee or contestees, in any county, and return made to the secretary of state, as upon the summons in a civil action. The secretary of state shall act as the secretary of such commission, and discharge such duties as they may direct in that behalf. [85 v. 26.]

Commission to hear such contests.

SEC. 2970c. The said commission shall, in hearing and determining such contest or contests, have and exercise all the powers and authority, and be governed by the same rules and procedure, as may be prescribed for the senate in contested elections of state officers, so far as applicable, and subject to the constitution and laws of the United States. In any order or vote by the commission, and in the final decision and judgment upon the contest, the governor shall vote if the other members of the commission are equally divided and not otherwise. The judgment of such commission, or the majority upon the contest or contests at any election of electors of president and vice-president of the United States, shall be final and conclusive thereof, and the record of the judgment and proceedings shall be filed and kept by the secretary of state in his office. [85 v. 26.]

Notice to contestees of time of hearing, etc.

SEC. 2970d. If any contestee or contestees be ousted by the judgment of such commission or the majority of them the certificate of election so issued to him or them shall be null and void, and the governor shall forthwith make and transmit by mail to the person or persons, if any, ascertained and determined by the judgment of the commission, or a majority of them, to have been duly elected, a certificate of his or their election to the said office of elector or electors of president and vice-president of the United States, and shall cause notice of his or their election

Secretary of commission.

Powers of and rules governing commission.

When governor shall vote; judgments and records of commission.

Proceedings under judgment of ouster.

and of such judgment to be proclaimed and published and [as] prescribed in section 2970. [85 v. 26.]

Costs.

SEC. 2970c. The commission shall render judgment against the party failing in any such contest for all the costs, including the costs of all depositions filed and allowed; and execution for the same shall be issued to any sheriff in the state and levied and collected as upon judgment and execution at law. Security for costs, satisfactory to the secretary of state, shall be given by the contestee or contestants before any notice of the contest shall be issued by him. [85 v. 26.]

The electors meet at Columbus.

SEC. 2971. The electors chosen as aforesaid shall, at twelve o'clock on the day appointed by the congress of the United States, meet at the state-house in Columbus, and then and there perform the duties enjoined upon them by the constitution and laws of the United States. [29 v. 41, § 6.]

Electors to give notice to the governor of their presence.

SEC. 2972. Each elector shall, before the hour of twelve o'clock on the day next preceding the day fixed by the law of congress to elect a president and vice-president of the United States; give notice to the governor that he is present, and ready at the proper time to perform the duties of an elector; and the governor shall thereupon deliver to each such elector a certificate of the names of all the electors. [29 v. 41, § 8.]

How vacancies in the office of elector to be filled.

SEC. 2973. If any of the electors are absent, and fail to appear before nine o'clock on the morning of the day appointed for the election, the electors then present shall immediately proceed to elect by ballot in the presence of the governor, persons to fill the vacancies occurring through such non-attendance. [29 v. 41, § 8.]

Tie vote to be determined by the governor by lot.

SEC. 2974. If two or more persons receive an equal and the greatest number of votes at such election, the governor, in the presence of the electors attending shall determine by lot which of such persons is duly elected; otherwise he or they having the greatest number of votes shall be considered elected to such vacancies. [29 v. 41, § 9.]

Electors so chosen to be notified by the governor and to act as electors.

SEC. 2975. The electors making such choice shall forthwith certify to the governor the names of the persons so chosen, and the governor shall cause immediate notice in writing to be given to each of such persons; and the persons so chosen and notified, and not the persons in whose place they have been chosen, shall be electors, and shall meet the other electors at the time and place appointed, and then and there discharge all the duties enjoined on them as electors by the constitution and laws of the United States and of this state. [29 v. 41, § 10.]

Compensation of electors and how paid.

SEC. 2976. Each elector shall receive three dollars for each day's attendance at Columbus as such, and mileage at the rate of ten cents per mile for the estimated distance by the usual route, from his place of residence to Columbus, to be paid by the state. [70 v. 272, § 1.]

STATE, COUNTY AND TOWNSHIP ELECTIONS.

SEC. 2977. The sheriff of each county shall, at least fifteen days before the holding of any general election and at least ten days before the holding of any special election, for any officer named in the next session, give notice by proclamation throughout his county of the time and place of holding such election, and the officers at that time to be chosen, one copy of which shall be posted up at each of the places where elections are appointed to be held; and such proclamation shall also be inserted in some newspaper published in the county, if any is published therein. [50 v. 311, § 4.]

Sheriff to issue proclamation of election.

SEC. 2978. All general elections for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, judge of the circuit court, judge of the common pleas court, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director and coroner shall be held on the first Tuesday after the first Monday in November. All votes for any judge for any elective office, except a judicial office, under the authority of this state, given by the general assembly or the people shall be void. [83 v. 35.]

Time of state and county elections.

SEC. 2979. The electors of each congressional district in this state shall, biennially, on the first Tuesday after the first Monday in November, vote for a representative in the congress of the United States for the term commencing on the fourth day of March next thereafter. [83 v. 35.]

Of congressional elections.

SEC. 2988. Whenever a vacancy happens in the office of representative to congress, or senator or representative to the general assembly, the governor shall, upon satisfactory information thereof, issue a writ of election, directing that a special election be held to fill such vacancy, in the territory entitled to fill the same, on a day which shall be specified in the writ; such writ shall be directed to the sheriff or sheriffs within such territory, who shall give notice of the time and places of holding such election, as in other cases; and such election shall be held and conducted, and returns thereof made, as in case of a regular election. [50 v. 311, § 28.]

Vacancy in office of representative to congress and members of general assembly; how filled.

SEC. 2993. If any number of persons greater than the number of county offices directed to be filled at any election have the highest and an equal number of votes, the deputy state supervisors aforesaid shall determine by lot which of the persons shall be duly elected; and if, at any election for senators or representatives to the general assembly, there is no choice in any instance, on account of two or more persons having received the highest and an equal number of votes, the deputy state supervisors issuing the certificates of

Tie votes for county officers and members of the general assembly to be determined by lot.

election shall publicly determine by lot who of those having such equal number of votes shall be elected; such decision by lot shall be made in their office aforesaid, at ten o'clock a. m. on the eighth day after the election; and in such case the deputy state supervisors shall not be required to forward the returns of the election until such decision by lot has been made. [90 v. 281.]

Certificates of election of certain officers; abstracts of votes for such officers.

SEC. 2995. The deputy state supervisors shall, without fee, make, and, upon demand, deliver to the persons elected respectively to the offices of probate judge, clerk of the court of common pleas, sheriff, coroner, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and senator and representative to the general assembly, certificates of their election; and they shall also make, for any elector of his county, upon being paid one dollar therefor, an abstract of votes cast at any election to fill any of said offices. [90 v. 281.]

Where and how township elections to be held.

SEC. 2996. Elections for township officers shall be held in the same precincts, and by the same judges of election, as provided in this title for the election of state and county officers; and returns of township elections shall be made by the judges thereof in the several election precincts, to the proper township clerks, within one day after the election. [69 v. 202, § 1.]

AN ACT

To provide for the making of returns, canvassing the vote and certifying the elections of certain officers elected at April and special elections.

Returns, abstracts and certificates of election of certain officers elected at April or special elections.

SEC. 1. That whenever any judge of any court of this state, representative of the general assembly, or other district or county officer, is to be elected at any April or special election, the judges of such election shall make return of the poll-books of such election to the deputy state supervisors of their respective counties, and they shall, on the sixth day or sooner in case the returns are all made, proceed to open such returns and make an abstract of the votes cast for such officers, and make and deliver to the person or persons elected certificates of their election. Provided, however, if such officer is to be elected by two or more counties joined in the same circuit or district, then the deputy state supervisors of the county or counties comprising such circuit or district, expecting the chief deputy state supervisor of the county in such circuit or district having the largest population, shall, within eight days after such election, transmit by mail to the deputy state supervisors of the county in such circuit or district having the largest population an abstract showing the number of votes given in each precinct in their respective counties for each person who received votes for any office to be filled by such circuit or district; such abstract shall be attested by the chief deputy state supervisor and clerk of the board, and inclosed in an envelope, so indorsed as to show distinctly that it is

When two or more counties joined in same circuit or district.

an abstract of votes, for what office or offices, and from what county the same was transmitted; and such abstract shall be canvassed by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with the returns from the precincts of their county for such office or offices, and make and transmit to the person or persons elected certificates of their election. [90 v. 281.]

TOWNSHIP LOCAL OPTION.

(4364-24). SEC. 1 That whenever one-fourth of the qualified electors of any township, residing outside of any municipal incorporation, shall petition the trustees therefor for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such township, and without the limits of any such municipal incorporation, such trustees shall order a special election for the purpose, to be held at the usual place or places for holding township elections; and notice shall be given and the election conducted in all respects as provided by law for the election of township trustees; and only those electors shall be entitled to vote at such election who reside within the township and without the limits of any such municipal incorporation. A record of the result of such election shall be kept by the township clerk in the record of the proceedings of township trustees; and in all trials for violation of this act, the original entry of said record, or a copy thereof certified by the township clerk, provided that it shows or states that a majority was against the sale, shall be prima facie evidence that the selling, furnishing, giving away or keeping a place, if it took place from and after thirty days from the day of the holding of said election, was then and there prohibited and unlawful. [85 v. 55.]

Petition for
prohibition of
liquor traffic in
townships.

Special election
to be held.

Notice and con-
duct of election

Record of result
of election; its
value as evi-
dence.

Ballots to be
voted at such
election.

When the traffic
in any township
shall be unlaw-
ful.

Penalty for car-
rying on such
prohibited
traffic.

Manufacture
and sale of cider
or native wine;
registered drug-
rists.

(4364-25). SEC. 2. Persons voting at any election held under the provisions of this act, who are opposed to the sale of intoxicating liquors as a beverage shall have written or printed on their ballots, "Against the sale;" and those who favor the sale of such liquors shall have written or printed on their ballots, "For the sale;" and if a majority of the votes cast at such election shall be "Against the sale," then from and after thirty days from the day of the holding of said election, it shall be unlawful for any person within the limits of such township and without the limits of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished; and whoever sells, furnishes or gives away any intoxicating liquors as a beverage, or keeps a place where such liquors are kept for sale, given away or furnished, shall be fined not more than five hundred dollars, nor less than fifty dollars, and imprisoned in the county jail not exceeding six months; but nothing in this section shall be construed so as to prevent the manufacture and sale of cider, or sale of wine manufactured from the pure juice of the grape, cultivated in this state,

nor to prevent [a] legally registered druggist from selling or furnishing pure wines or liquors for exclusively known medicinal, art, scientific, mechanical, or sacramental purposes; but this provision shall not be construed to authorize the keeping of a place where wine, cider or other intoxicating liquors are sold, kept for sale, furnished or given away as a beverage. [85 v. 55.]

MUNICIPAL LOCAL OPTION.

Closing of saloons on Sunday.

SEC. 4364-20. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of the week, commonly called Sunday, except by a regular druggist on a written prescription of a regular practicing physician for medical purposes only, is hereby declared to be unlawful, and all places where such intoxicating liquors are on other days sold or exposed for sale, except regular drug stores, shall on that day be closed, and whoever makes any such sales, or allows any such place to be open or remain open on that day shall be fined in any sum not exceeding one hundred dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense shall be fined not more than two hundred dollars or be imprisoned in the county jail or city prison not less than ten days and not exceeding thirty days, or both. In regular hotels and eating houses the word "place" herein used shall be held to mean the room or part of room where such liquors are usually sold or exposed for sale and the keeping of such a room or part of room securely closed shall be held, as to such hotels and eating houses as a closing of the place, within the meaning of this section. And any municipal corporation shall have full power to regulate the selling, furnishing or giving away of intoxicating liquors as a beverage and places where intoxicating liquors are sold, furnished or given away as a beverage, except as provided for in section 4364-20c of this act.

Hotels and eating houses.

Municipal regulation.

Petition for election.

Special election.

Notice and conduct of election.

SEC. 4364-20a. That whenever forty per cent. of the qualified electors of any municipal corporation shall petition the council thereof for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such municipal corporation, such council shall order a special election to be held in not less than twenty nor more than thirty days from the filing of such petition with the mayor of the municipal corporation or from the presentation of such petition to said council, which said petition shall be filed as a public document with the clerk of the municipality, and preserved for reference and inspection, and which election shall be held at the usual place or places for holding municipal elections, and notice shall be given and the election conducted in all respects as provided by law for the election of members of the council of the corporation, so far as said law may be applicable. The result of such election shall forthwith be entered upon the record of the proceedings of the council of the corporation by the clerk thereof, and in all trials for

violation of this act, the original entry of the record, or a copy thereof certified by the clerk of the corporation, provided that said record shows that a majority of the votes cast at said election was against the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquors as a beverage or the keeping of a place where such liquors are sold, kept for sale, given away or furnished, if such selling, furnishing or giving away or keeping such place occurred after thirty days from the day of holding the election, was then and there prohibited and unlawful.

Record of
result of
election; its
value as ev-
idence.

SEC. 4364-20b. The ballots at any special election, held under the provisions of this act, shall be printed with an affirmative and a negative statement, to-wit: "The sale of intoxicating liquors as a beverage shall be prohibited," "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector an opportunity to clearly designate his choice by a cross mark as follows:

Ballots to be
voted at the
election.

- [.....] The sale of intoxicating liquors as a beverage shall be prohibited.
- [.....] The sale of intoxicating liquors as a beverage shall not be prohibited.

And if a majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished, for beverage purposes, and whoever from and after thirty days aforesaid in any manner directly or indirectly, sells, furnishes, or gives away, or otherwise deals in any intoxicating liquors as a beverage, or keeps or uses a place, structure or vehicle, either permanent or transient for such selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for a second offense be fined not more than five hundred dollars nor less than one hundred dollars, and for any subsequent offense be fined not less than two hundred dollars and be imprisoned not more than sixty days and not less than ten days. But nothing contained in any of the sections of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors or in wholesale quantities to any party or parties residing outside of the limits of said municipality:

When sale
shall be n-
lawful.

Penalty for
making such
prohibited
sale.

Manufactur-
ers may sell
at wholesale
to retail
dealers.

Meaning of phrase "intoxicating liquors."

Regular Druggist may sell.

Rebate of Dow tax when sale discontinued.

What constitutes 40 per cent. of qualified voters.

Entry and record of election.

SEC. 4364-20c. The phrase "intoxicating liquors" as used in this act shall be construed to mean any distilled, malt, vinous or any other intoxicating liquors; but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific, mechanical or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good faith upon written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling, unless such private dwelling is a place of public resort.

SEC. 4364-20d. When any person, company or corporation has discontinued such traffic in accordance with the provisions of this act, within the time specified by section 4364-20a of this act, has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor, upon being satisfied of such fact, shall issue to such person, company or corporation, a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid.

SEC. 4364-20e. The petition for an election provided for in section 4364-20a of this act shall be deemed sufficient and the council shall order such an election when the petition is signed by as many qualified electors as shall equal in number forty per cent. of the number of votes cast in said municipal corporation at the last preceding general election in municipalities which are divided into wards; and in all other municipalities, forty per cent. of the qualified electors at the last preceding municipal election, and in indictments, affidavits, or informations for violation of this act it shall not be necessary to set forth the facts showing that the required number of electors in the municipal corporation petitioned for an election, that the election was held, or that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful.

SEC. 4364-20f. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act as required by sections 4364-20a and 4364-20b:

The State of Ohio, County, of municipal corporation of

The special election held on the day of, A. D.,, within and for the (municipal corporation of) under the local option law resulted as follows:

Whole number of votes "for the sale of intoxicating liquors as a beverage"

Whole number of votes "against the sale of intoxicating liquors as a beverage"

Clerk of

SEC. 4364-20g. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed or bond forfeited, and shall be applied to such fund or funds as the council of said corporation may direct.

Disposition of fines.

SEC. 4364-20h. At any time after two years from the date of an election held under the provisions of section 4364-20a of this act another election may be petitioned for and shall be ordered as provided for in section 4364-20a.

Another election may be ordered; when.

SEC. 4364-20i. Any person being a qualified elector of any municipal corporation wherein an election shall have been held as provided for in this act may contest the validity of such election by filing a petition duly verified with the probate court of the county in which such municipal corporation is situated, within ten days after the election, setting forth the grounds for contest.

Contest of election in probate court.

The probate judge, upon the filing of such petition, shall forthwith issue a summons, addressed to the mayor of such municipal corporation, notifying him of the filing of such petition and directing him to appear in said court on behalf of said municipal corporation, at a time named in the summons, which time shall be not more than twenty days after the election nor less than five days after the filing of such petition.

Mayor shall be summoned.

The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish sufficient security for costs before said petition is filed.

Method of procedure.

SEC. 2. That section 4364-20 of the Revised Statutes of Ohio be and the same is hereby repealed, but an ordinance passed by a municipal corporation under the authority given in said section prohibiting places where intoxicating liquors are sold at retail shall remain in full force and effect until thirty days after an election has been held in accordance with the provisions of section 4364-20a of this act. An ordinance passed by a municipal corporation under the authority given in said section regulating places where intoxicating liquors are sold at retail, shall remain in full force and effect until said ordinance is repealed or amended under the authority granted in section 4364-20 of this act.

Repeal and saving clause for ordinances.

SCHOOL ELECTIONS.

(3970-10). SEC. 1. That every woman born or naturalized in the United States, of the age of twenty-one years and upward, who shall have been a resident of the state one year, and of the county, town, township or other election district such time as the law provides for men, preceding any election held for the purpose of choosing any school director, member of the board of education or school council under the general or special laws of the state, shall be entitled to vote and be voted for at such election for any such officer or officers. [91 v. 182.]

Women entitled
to vote and be
voted for at cer-
tain school elec-
tions.

(3970-11). SEC. 2. A separate box shall be provided for the ballots of those voting for any such office mentioned in section one of this act. [91 v. 182.]

Separate ballot-
boxes.

(3970-12.) SEC. 3. All laws relating to the registration of voters shall apply to women upon whom the right to vote is herein conferred, provided, that the names of such women may be placed upon a separate list. [91 v. 182.]

Registration.

SEC. 3885. The state is hereby divided into school districts, to be styled, respectively, city districts of the first grade of the first class, city districts of the second grade of the first class, city districts of the first class, city districts of the second class, village districts, special districts and township districts. [84 v. 184.]

Classification of

SEC. 3887. Each city of the second class, having a population of less than ten thousand, by the last preceding census, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a school district, to be styled a city district of the second class. [88 v. 430.]

City districts of
second class.

CHANGE OF DISTRICTS.

SEC. 3894. The board of education of any township district may decide to submit, and, on petition of two-thirds of the electors of the district, shall submit, at the first regular election for township officers after such decision is made or petition received, the question whether such township district shall be governed by the provisions of this title relating to village districts; and the board shall give notice of the vote to be taken, by posting up written or printed notices, in ten or more public places in the township, at least twenty days prior to such election. [95 v. 54.]

Township districts may become village districts.

SEC. 3895. The election shall be conducted by the township trustees, who shall provide a separate ballot-box and separate poll-books, and make a return of the vote to the township clerk, and also to the commissioner of common schools, within five days after the election; and the persons voting at such elections in favor of such change shall have written or printed on their ballots, "School district," and those opposed to such change, "No school district." [70 v. 195, § 156.]

How a vote shall be taken.

CITY DISTRICTS OF THE FIRST CLASS.

SEC. 3897. In city districts of the first grade of the first class the board of education shall consist of one member from each ward, and each member of the board shall be an elector of the ward, or of the township, or part of the township, which for school purposes has been or may be attached to such ward for which he is elected or appointed; provided, that in city districts of the first grade of the first class, beginning with the election of city officers to be held in April, 1897, one member shall be elected from each ward, or from territory attached to each ward for school purposes, who shall serve for the term of three (3) years; and provided further, that all members, clerks and assistant clerks of such boards heretofore elected, shall continue to be members, clerks and assistant clerks thereof until their successors are elected and qualified as herein provided; and thereafter as the term of members elected by said ward, or ward with territory attached for school purposes, as above provided, shall expire, successors shall be elected for the term of three years; and provided further, that the clerks and assistant clerks of any such boards shall be elected for the term of three (3) years. If any person elected a member of said board shall, during his term as said member, move out of the ward for which he was elected, then his term shall cease and determine, and said board shall elect a person to fill the vacancy; the members elected under this act shall hold office until their successors are elected and qualified; provided, that the board of education established by this act shall be in all respects the successors of the respective board whose place they take; but the members of such board of education shall not, as individuals or as local committees, exercise supervisory authority over the

Cincinnati board of education; how constituted; qualification, election, term, authority, etc., of members and clerks.

schools in the several wards or districts, or have the selection or nomination of teachers; and provided further, that when a new or additional ward shall be created in such city district, the board of education shall proceed to elect a person who is an elector of such additional ward, or of territory thereto attached for school purposes, as a member of the board from such ward, to serve until the next election for members of the board of education, at which election the qualified electors of such new wards, and the territory annexed for school purposes, shall elect one judicious and competent person, having the qualifications of an elector of such ward or territory thereto attached for school purposes, to serve as a member of the board of education. [Passed April 14, 1896; to take effect September 1, 1897; 92 v. 150, 155.]

Board of education in city districts of the first class, except first and second grades.

SEC. 3898. In each city district of the first class, and not of the first or second grade, the board of education shall consist of two members from each ward, except in city districts organized under a law providing for one member only for each ward, in which districts the board may, at any time, by a vote of the majority of all its members, provide that thereafter each ward shall be represented by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall be an elector of the ward for which he is elected or appointed; and at every annual election for city officers in a city which constitutes districts of the first class, wherein the board consists of two members for each ward, there shall be elected in each ward, by the qualified electors thereof, one judicious and competent person to serve as a member of the board of education of the district for two years, from the third Monday of April succeeding his election, and until the election and qualification of his successor; provided, that at the annual election for city officers, held after a city has been constituted a city district of the first class, with a board to consist of two members from each ward, there shall be elected in each ward of such city, by the qualified electors of such ward and of said district entitled to vote in such ward, two persons of the required qualifications to serve as members of the board of education of such districts, one for one year and the other for two years from the third Monday of April succeeding their election and until the election and qualification of their successors; and provided, that any elector residing in such district, but not in any ward of such city, shall, if the territory containing his residence has not been attached to any ward for school purposes as provided in section thirty-nine hundred be entitled to vote for member of the school board in the ward nearest his residence; and in such case a separate ballot-box and poll-book shall be provided and used, as required in section thirty-nine hundred and two, in each ward where any such elector may be entitled to vote when the board of education in such city district of the first class consists of as many members as there

are wards, there shall be elected at the annual election for city officers in the year eighteen hundred and eighty, and every two years thereafter, in each ward designated by an even number, and in the year eighteen hundred and eighty-one, and every two years thereafter in each ward designated by an odd number by the qualified electors thereof, one member of the board, who shall hold his office for two years, and until the election and qualification of his successor. Provided, that in any such city which has been, or may be redistricted for election purposes, by whomsoever or howsoever such redistricting may be made, such redistricting shall not affect the term of the members of the board of education then in office, but each of said members shall serve the full term for which he was elected, and shall be the member, in said board, for the remainder of the term for which he was elected, of the ward in which he resides, after such redistricting is made, if such ward shall be a part or the whole of the ward in which he was elected; at the annual election for city officers occurring next after such redistricting has been, or may be, had, a member shall be elected for each ward created by such redistricting in which a member does not hold over as above provided. The members chosen at such election from wards entitled to elect members for a term of two years shall serve for such period and until their successors, who shall also be elected for a similar term, are elected and qualified. The members chosen at such election from wards not entitled at such election to choose members for a term of two years, shall serve for one year, at the expiration of which term a successor shall be elected for each of said members to serve for a period of two years, and until his successor, who shall be elected for a term of two years, is elected and qualified. Any ward which, but for the holding over of a member, as above provided, would elect a member at the annual election for city officers occurring next after the redistricting of any such city, for a term of two years, shall, at the expiration of the term of such holding over member, elect a member for the term of one year, but the successor of any member so elected for one year, shall each be chosen for a term of two years and until his successor is elected and qualified. In city districts of the first class and not of the first or second grade, the boundaries of which are not identical or coterminous with the boundaries of the city, the population of which at the federal census of 1890 did not exceed 10,100, the board of education shall consist of six members elected at large by the qualified electors of the district. Provided that at the next annual election, succeeding the passage of this act, two members shall be elected to serve two years and until the election and qualification of their successors, and at the second annual election succeeding the passage of this act two members shall be elected to serve two years and two members to serve three years and until the election and qualification of their successors. At all subsequent annual elections two members shall be elected to serve three years and until the election and qualification of their successors. [92 v. 424.]

City redistricted
for election pur-
poses.

Massillon.

Where certain electors to vote; plats of attached territory.

Conduct of elections.

How electors on attached territory to cast ballots.

Vacancies.

Membership of board of education.

Election of members in city districts.

SEC. 3900. An elector residing in the city district, but not in any ward of the city, shall be entitled to vote in the ward to which he is attached by the board of education for school purposes; but an elector residing in the city and not in the city district, shall not be entitled to vote at any election provided for in this chapter; the board shall ascertain whether the city limits are coextensive with the limits of the school district; and in case the school district includes territory without the corporate limits, the board shall make or cause to be made a plat of the territory so attached for school purposes, designating thereon by metes and bounds the ward or wards to which such attached territory is to be thereafter assigned; which plat shall be recorded as a part of the proceedings of the board. [70 v. 195, §§ 10, 11.]

SEC. 3901. The election provided for in section three thousand eight hundred and ninety-seven shall be conducted by the judges and clerks of the city elections, and they shall make returns of such election to the board of education within five days from the time of holding the same. [70 v. 195, § 13.]

SEC. 3902. The judges and clerks of city elections, in wards to which any territory beyond the city limits has been attached by the board of education for school purposes, shall have two separate ballot-boxes and two sets of poll-books; the electors residing on such attached territory may vote at all regular and special elections in such wards for members of the board of education; the judges of election in such wards shall receive the ballots of the electors residing on such attached territory, and deposit them in the ballot-box provided for that purpose; the clerks of election shall enter upon the separate poll-books provided for that purpose the names of such electors so voting; and due returns of such elections for members of the board shall be made as provided by section thirty-nine hundred and one. [70 v. 195, § 12.]

SEC. 3903. The board of education may fill all vacancies that occur in the board until the next annual election. [79 v. 59.]

CITY DISTRICTS OF THE SECOND CLASS AND VILLAGE DISTRICTS.

SEC. 3904. In city districts of the second class, and in village districts, the board of education shall consist of six members, except in districts organized under a law providing for only three members, who shall have the qualifications of any elector therein, and in such districts the membership may be increased to six, in the manner hereinafter provided; but the board of a city district of the second class may provide, by a vote of a majority of its members, that the board shall consist of as many members as the city has wards. [70 v. 195, §§ 16, 17.]

SEC. 3905. In city districts of the second class, except such as are mentioned in section thirty-nine hundred and seven, members of the board of education shall be elected

annually, to serve for the term of three years from the third Monday of April succeeding their election, and until the election and qualification of their successors; if the board consists of six members, two judicious and competent persons shall be elected each year; and if the board consists of three members, one such person shall be elected each year. [75 v. 53, § 18.]

SEC. 3906. If the boundaries of the district and [the] city are identical, or, if territory has been detached from the city and attached to another district, the election shall be conducted exclusively by the judges and clerks of the city election, but electors residing within the bounds of such detached territory shall not vote thereat; but if territory outside the city limits is attached to the district, an election shall also be held for the same purpose in the township from which it was detached, and conducted by the judges and clerks of the township election, but only electors residing within the bounds of such territory shall vote thereat; the election shall be held at the same time and places as the election for city or township officers shall be held; the names of candidates for such membership shall be upon separate tickets, and all such tickets voted shall be deposited in separate ballot-boxes, which shall be provided by the board of education; separate poll-books of the election shall be kept, and returns of the election shall be made to the clerk of the city which constitutes the district. [83 v. 82.]

SEC. 3907. In a city district of the second class, in which the board consists of as many members as the city has wards, there shall be elected biennially in each ward, at the time and in the manner provided in the preceding chapter for elections in city districts of the first class, one competent and judicious person to serve as a member of the board for two years from the third Monday of April succeeding his election, and until the election and qualification of his successor; but at the first election after it is decided that the board shall be so constituted, the persons elected in wards designated by odd numbers shall serve for only one year from the third Monday of April succeeding their election, and until the election and qualification of their successors; and the board shall ascertain the limits of the district, assign attached territory to wards, and make and record a plat thereof, as provided in section thirty-nine hundred. [75 v. 53, § 18; 70 v. 195, § 101.]

SEC. 3908. In village districts members of the board of education shall be elected on the first Monday of April, annually, to serve for the term of three years from the third Monday of April succeeding their election, and until the election and qualification of their successors; if the board consists of six members, two judicious and competent persons shall be elected each year, and if it consists of three persons, one such person shall be elected each year; provided, that when the village of which the village district is, in whole or in part, composed, is divided into wards or voting precincts, the election for members of the board of edu-

Conduct of elec-
tion of members
of board of edu-
cation in city
districts, second
class.

Election after
membership in-
creased.

Election in vil-
lage districts.

cation shall be held in each of such wards or precincts; but all the members shall be elected at large by the electors of the districts, and voters residing in such wards or precincts who are also residents of the school district, shall vote for members of the board of education in the ward or precinct in which they reside. The election for members of the board of education in such wards or precincts shall be held by the same judges and clerks provided for the municipal or township election, and returns of such election, duly certified as in other cases, shall be made within five days to the clerk of the board of education of any such district. [91 v. 121.]

Notice of elections.

SEC. 3909. The clerk of the board of education of each city district of the second class, and of each village district, shall publish a notice of the election and meeting provided for in the preceding sections, in a newspaper of general circulation in the district, or post written notices of such meeting in five of the most public places in the district, at least ten days before the holding of the same, which notice shall specify the time and place of the election or meeting and the number of members to be elected. [75 v. 53, § 19.]

Returns to be made to board.

SEC. 3910. The secretary of the meeting or clerks of elections in village districts provided for in this chapter shall keep a poll-book and tally-sheet, and return the same, within five days after the election to the clerk of the board of education of the district, duly certified. [75 v. 53, § 20.]

How membership increased.

SEC. 3911. When the electors of a city district of the second class, or of a village district the board of education of which consists of three members, desire that the board shall consist of six members, they may make such change in the manner following: Written or printed notices shall be posted in at least five of the most public places in the district, at least ten days prior to the day designed therein, signed by a majority of the members of the board of education, or by one member of the board and at least ten resident electors of the district, requesting the qualified electors of the district to assemble on a day, and at an hour and a place, to be designated therein, then and there to vote for or against such change; the electors, when assembled in accordance with the notice, shall appoint a chairman and two clerks, who shall be judges of the election; the electors in favor of the proposed change shall have written or printed upon their ballots the words "Board—Change," and those opposed thereto the words "Board—No Change," and the ballots cast shall determine the question whether the change shall be made; the judges shall make due return of the election to the board of education of the district, within ten days after holding of the same; and if a majority of the votes cast be found to be in favor of the change, three additional members of the board shall be chosen at the next annual election for school officers, one to serve for one year, one for two years, and one for three years, and annually thereafter two members of the board shall be chosen to serve for three years, as provided in section thirty-nine hundred and five. [70 v. 195, § 21.]

SEC. 3912. When the electors of a village desire to erect it into a village district they may proceed in the following manner: Written or printed notices, signed by not less than five electors residents of the village, shall be posted, at least ten days prior to the day designated therein, in at least five of the most public places within the village, requesting the electors thereof to meet for the purpose of voting on the question of establishing a village district, on a day, and at an hour and a place, to be designated in the notices; the meeting shall be held within the limits of the village, between the hours of six o'clock a. m., and six o'clock p. m., and the polls shall be kept open at least six hours; the electors, when assembled in accordance with the notice, shall appoint a chairman and two clerks, who shall be judges of the election; the electors in favor of the proposed village district shall have written or printed on their ballots the words "Village district—Yes," and those opposed thereto the words "Village district—No," and the votes cast shall determine the question whether such village district shall be established; if a majority of the votes cast at such election be opposed to the establishment of such village district, the question of establishing the same shall not again be submitted to the electors of the village until the succeeding regular annual election for village officers, and then only upon notice being given as above provided; and if a majority of the votes cast at such election be in favor of the establishment of such district, the village may be organized as a village district in the manner provided in the next two sections. [74 v. 140, § 4.]

How village
may become
village district.

SEC. 3913. Written or printed notices, signed by not less than five electors residing within the limits of the village, shall be posted in at least five of the most public places therein, requesting the electors of the village to meet for the purpose of electing a board of education for such proposed village district, on a day, and at an hour and a place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them for such meeting; the electors, when assembled in accordance with the notice, shall appoint a chairman and two clerks, who shall be judges of the election, and shall then choose by ballot six competent and judicious persons to serve as members of the board of education of the proposed district—two to serve for one year, two to serve for two years, and two to serve for three years, from the third Monday of April next preceding the organization of the district, and until the election and qualification of their successors; but if the election be held on the day of the annual election for school officers there shall be elected two persons to serve for one year, two for two years, and two for three years from the third Monday in April succeeding their election, and until the election and qualification of their successors. [71 v. 55, § 5.]

How village dis-
trict organized.

SEC. 3914. If such election be held on the first Monday of April, the board elected thereat shall organize at the time and in the manner provided in section thirty-nine hundred and eighty; but if the election be held at any other time, the board shall organize on the next Monday thereafter, and in the same manner. [71 v. 55, § 6.]

Organization
of board.

TOWNSHIP DISTRICTS.

Township board
of education;
how constituted
and organized.

Directors; first
election.

Classes.

Subdirectors;
election; terms.

Subsequent
elections.

Notice of
election.

Designation
office to be
filled.

Election,
where held.

Judges; oath.

Election in new
subdistrict.

Notices.

How conducted;
term of director.

Terms of sub-
director deter-
mined by lot.

Sec. 3915. The board of education of each township district divided into subdistricts shall consist of the township clerk, and one director elector [elected] for a term of three years for each subdistrict; such board shall organize on the third Monday in April of each year by electing one of its members president. The clerk of the township shall be ex officio the clerk of the board, but shall have no vote except in case of a tie. [93 v. 45.]

Sec. 3916. There shall be elected by ballot on the second Monday of April, 1893, in each subdistrict, by the qualified electors thereof, one competent person, having the qualifications of an elector therein, to be styled director. Those elected shall be divided upon the third Monday of April thereafter by lot, into three classes as nearly equal as possible; the directors of the first class shall serve for the term of one year, the directors of the second class for two years, and the directors of the third class for three years; and there shall be elected on the second Monday of April, 1898, in each subdistrict, by the qualified electors thereof, two competent persons, having the qualifications of electors therein, to be styled subdirectors. In all subdistricts where directors are elected in 1898, one subdirector shall be elected for the term of one year, and one for the term of two years; in all subdistricts where directors shall be elected in 1899, one subdirector shall be elected for the term of two years, and one for the term of three years, and in all subdistricts where directors shall be elected in 1900, one subdirector shall be elected for the term of one year, and one for the term of three years. All elections of directors or subdirectors thereafter shall be held on the second Monday of April, and all directors or subdirectors shall serve until their successors are elected and qualified. [93 v. 45.]

SEC. 3917. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict at least six days prior to the election designating the day and hour of opening and the hour of closing the election, and he shall also designate whether a director or subdirector shall be elected, the election shall be held at the usual place of holding school meetings in the subdistrict; the meetings shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll book and tally sheet which shall be signed by the judges and delivered within eight days to the clerk of the township. [95 v. 462.]

Sec. 3922. When the board consolidates two or more subdistricts into a new subdistrict, or establishes a new subdistrict in any other way, it shall call a special meeting of the qualified electors resident in the new subdistrict for the purpose of electing one director and two subdirectors for the same; at least five days before the time fixed for the meeting, the board shall post, in three of the most public places in the new subdistrict, written or printed notices stating time, place and object of holding the meeting; the election shall be conducted as provided in this chapter; and a director shall be elected to serve the term which will render the classes of directors most equal, from the annual meeting on the third Monday of April next preceding the organization of the new subdistrict; and the terms of the two directors shall be determined by lot; and the terms

of office of the directors and subdirectors of subdistricts so consolidated, shall expire at the time such new district is created. [93 v. 47.]

SEC. 3927. When a special district is abandoned, there shall be an election of director and two subdirectors, as provided in this chapter, and for the terms directed in section 3922. The clerk of the special or village district board shall deliver to the clerk of the township board, all the books and papers of the special district in his custody, and notify the county auditor, in writing, of the abandonment of the organization of the district; the treasurer of the special or village district board shall deliver to the treasurer of the township board all the books, papers and money of the special or village district in his possession; the township board shall complete all unfinished business pertaining to the special or village district; any debt contracted by the special or village district board shall be paid out of the money transferred to the treasurer of the township board, as herein provided, and out of the money arising from the taxes levied by the special or village district board; and if such funds are insufficient therefor, the remainder shall be paid by a special tax upon the property of the subdistrict so created. [93 v. 47.]

SEC. 3978. In all cases of tie votes at an election for [director] directors or subdirectors, the judges of election shall decide the election by lot; and in other cases of failure to elect directors or subdirectors, or in case of a refusal to serve, the board shall appoint. [93 v. 47.]

SEC. 3981. Vacancies in any board of education, or vacancies in the office of subdirector of any subdistrict arising from death, non-residence, resignation, expulsion for gross neglect of duty, failure of a person elected or appointed to qualify within ten days after the annual organization or after his appointment, or from other cause, which occur more than fifteen days before the next annual election, the board shall fill within ten days from the occurrence of the vacancy, until the next annual election, when a successor shall be elected to fill the unexpired term; provided such vacancies [in township boards] may be filled by the board of education at the next regular meeting, as prescribed in section 3920. [93 v. 48.]

SPECIAL DISTRICTS.

SEC. 3923. The board of education of each special district shall consist of three members, who shall be residents of the district, and have the qualifications of an elector therein; and when the electors of a special district, the board of education of which consists of three members, desire that the board shall consist of six members, they make such change in the same manner as provided for city districts of the second class and village districts, in section thirty-nine hundred and eleven. [70 v. 195, § 22.]

SEC. 3924. There shall be elected annually, by ballot, on the first Monday of April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and

Election when
special district
abandoned.

Property in cus-
tody of clerk;
notice to county
auditor.

Property in
custody of
treasurer.

Unfinished
business.
Debts.

Special tax.

Tie vote.

Failure to elect
or refusal to
serve.

Vacancies in
board of educa-
tion, or office of
subdirector;
how filled.

Board of special
district; how
constituted and
how increased.

Election of
members.

competent person to serve as member of the board for three years from the second Monday succeeding his election, and until the election and qualification of his successor; but in special districts hereafter established the first election for members of the board shall be held within twenty days after such establishment, at least five days' previous notice of which, stating the time and place of meeting, and signed by at least three electors of the district, shall be posted in three of the most conspicuous places in the district; at such meeting a chairman and clerk shall be chosen, and there until the second Monday of April next succeeding his election, and one to serve for one year and one for two years from said second Monday, and each to serve until the election and qualification of his successor. [95 v. 58.]

Notice and conduct of election

SEC. 3925. The clerk of the district shall post written or printed notices, in three or more conspicuous places in the district, at least six days prior to the day of election, designating the day and the hour of opening and closing the election; and the election shall proceed, and a return thereof be made, in the manner provided for elections in village districts, and shall continue at least two hours. [71 v. 57, § 24.]

How special district abandoned.

SEC. 3926. When the electors of a special or village district desire to abandon their organization; and become a part of the township district of the township in which such special or village district is located, they shall make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board, and at least six resident electors of the district, requesting the qualified electors thereof to assemble on a day, and at an hour and place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change; the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which shall continue at least two hours; those in favor of the proposed change shall have written or printed on their ballots the words, "School—change," and those opposed thereto the words, "School—no change;" and a majority of the ballots cast shall determine the question whether the change be made; the judges shall within five days after the election make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township board, which shall thereupon assume jurisdiction of the territory, property, and affairs of the special district, and thereafter treat such district as a subdistrict of the township district. Provided, however, that in a special district, which has been created from two or more joint subdistricts, subdistricts or parts of subdistricts if the electors of the territory which formerly composed any one or more of such joint subdistricts, subdistricts or parts of

Notice of election.

Judges of election; how chosen.

Returns of election.

Township board to have jurisdiction of territory, etc.

Withdrawal from special district.

subdistricts desire to withdraw from the special organization and become a part of the township in which they are situated, the change may be made by a majority vote of the electors of the special district except that posted notices signed by six resident electors shall be sufficient to call such election. [94 v. 233.]

SCHOOL FUNDS.

SEC. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class boards of education may levy for a period of five years and no longer, in addition to the seven mills, and the one mill for schoolhouse sites and buildings, hereinafter provided for, a tax not to exceed one-half of a mill on the dollar of valuation of taxable property within said districts, which said levy shall be used for the purchase of schoolhouse sites and erection of school buildings thereon and for the equipment of the same and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings or for the equipment of the same such boards of education may issue certificates of indebtedness in anticipation of such levy payable at such times, and not exceeding one year from date of issue, as they may designate, but bearing no interest before maturity. Boards of education in all city districts, except cities of the first grade of the first class, by an affirmative vote of three-fourths of all the members elected, may levy, in addition to all taxes allowed by law to be levied, a tax not to exceed one mill on the dollar of valuation of taxable property within said district, which levy shall be used for the purchase of schoolhouse sites, the erection of school buildings thereon and the payment of indebtedness created for such purposes, and for no other purpose whatever; and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. In all township, special, and village districts in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property in the district. In all school districts not herein provided for, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property in the district. A greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 of the Revised Statutes of Ohio, if the proposition to make

Maximum
levy in Cin-
cinnati.

Cleveland.

Other City
districts.

Township,
special and
village dis-
tricts.

All other dis-
tricts.

When and for
what purpose
greater tax
may be levied.

such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by a majority of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period, if no such paper is published therein. [95 v. 245.]

SCHOOL-HOUSES.

When and how
question of tax-
levy submitted
to voters.

SEC. 3991. When the board of education of any district determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites and erect a school-house or school-houses thereon, or to do either, or when it shall become known to a board of education that the money provided for the purchase of a site or sites and the erection of a school-house or school-houses is not sufficient therefor, and such board ascertains that the purchase of such site or sites and the erection and furnishing of such school-house or school-houses, or either, or the completion of a partially built or unfurnished school-house or school-houses for which a sufficient sum of money has not been provided, will require a greater tax upon the property of such district than the board is authorized by this title to levy, and that to provide means therefor it will be necessary to issue bonds, it shall make an estimate of the probable amount of money required for such purposes, or either of them, and at a general election, or a special election called for that purpose, shall submit to the electors of the district the question of levying taxes for such purposes or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site or sites, the erection of such school-house or school-houses, or completion or furnishing or refurnishing of same or either of them, is raised; and ten days' notice of such submission shall be given by the board by posters put up in five of the most public places in the district, which shall state the time, place and object of the election. [94 v. 38.]

If levy ap-
proved, board to
certify it to
auditor.

SEC. 3992. If a majority of the electors at such election vote in favor of levying taxes for such purposes, or either of them, of continuing the levy from year to year thereafter, and for the amount to be levied each year; the board shall certify the levy annually to the county auditor, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board are required to be placed thereon; and when the district is divided by a county line, the levy shall be certified, collected, and paid in the manner provided in sections thirty-nine hundred and sixty-one and thirty-nine hundred and sixty-two, in the case of levies for joint subdistricts. [70 v. 195, § 62.]

HIGH SCHOOLS.

SEC. 4009b. Any ten or more of the qualified electors of any township having a village district or special district within its limits, may give ten days' notice before any general election that a separate vote will be taken at the next general election in said township, in each of the districts proposed to be so united, on the proposition to unite such village, township district, or special district, or any two of said districts for high school purposes. Such notice shall be sufficient, if given by publication in a newspaper published and of general circulation in said township, and by being conspicuously posted in at least three public places in each of the districts interested. At such next general election held after publication of such notice, all electors voting in favor of such union shall have written or printed on their ballots, "Special district for high school purposes—Yes;" and all electors voting against such union, shall have written or printed on their ballots, "Special district for high school purposes—No." If a majority of the ballots cast on the proposition in each of said districts have on them the words "Special district for high school purposes—Yes," such village, township and special districts, or any two of said districts shall thereafter be united as a special district for high school purposes; and the judges of such election shall certify to the court of common pleas of the county in which such township is situate, the result of such election, which certificate shall be placed upon the journal of said court; whereupon said court shall appoint three judicious persons, one for one year, one for two years and one for three years, residents of said township, as the board of education of such special district for high school purposes, one member of such board of education to be elected every year [t]hereafter, to hold said office for three years, or until his successor is elected. Such board of education, when so appointed, shall have all the powers now conferred by law upon other boards of education. [82 v. 128.]

Vote on union
of districts for
high school
purposes; ap-
pointment of
board of educa-
tion for high
school.

CENTRALIZATION DISTRICTS.

SEC. 3927-1. For the purposes of this act the word "centralization" is hereby defined as a system of schools in a township providing for the abolishment of all subdistricts and the conveyance of pupils to one or not to exceed two central schools.

"Centraliza-
tion" defined.

SEC. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township and if necessary, purchase a site or sites and erect a suitable

Submission of
question of
centralization.

building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years.

Submission of
question of
decentraliza-
tion.

When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are cast against centralization than for it the division into subdistricts, as they existed prior to centralization, shall be thereby re-established and at the next regular election for school officers directors and subdirectors shall be elected and a board of education established as provided in sections 3915, 3916 and 3917 of the Revised Statutes of Ohio, provided that the notices required in sections 3917 shall be given by the clerk of the board of education; when said newly elected board shall have been duly organized it shall be the successor of the centralized township board and said centralized board shall be thereby abolished.

Conduct of
elections.

SEC. 3927-3. All elections ordered by a board of education in pursuance of section 3927-1 of the Revised Statutes of Ohio shall be held at the usual place or places of holding township elections, at a regular or special election as may be determined by the board and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon: "For centralization — yes." "For centralization — no."

Submission of
question of
issuing bonds.

SEC. 3927-4. Should the board of education deem it necessary to issue bonds to purchase a site or sites or erect a building or buildings for the purposes of such centralization, then the election shall be conducted as provided in section 3927-2 of the Revised Statutes of Ohio, but in such case the ballots shall have printed thereon: "For levying a tax to purchase site (or sites) and erect building (or buildings) for the centralization of schools at a cost not to exceed \$....., yes." "For levying a tax to purchase site (or sites) and erect building (or buildings) for the centralization of schools at a cost not to exceed \$....., no." And if more votes are cast in favor of levying said tax for said purpose than against said proposition, at such election, it shall be the duty of the said board of education, and the board of education is authorized to issue bonds and sell the same as provided by law and to levy a special tax to provide for the payment of the same, together with interest thereon; provided said levy shall not in any one year exceed five mills on the dollar valuation and said bonds shall not bear more than six per cent. interest and shall not be sold at less than their face value.

Board of ed-
ucation; elec-
tion and
term.

SEC. 3927-5. In a township district in which proceedings have been had under the preceding sections, and the vote has been favorable for centralization, there shall be

an election held on the next succeeding first Monday of April for the election of a board of education consisting of five members elected at large in said township district; one of whom shall serve for three years, two for two years and two for one year; and two members shall be elected annually thereafter for a term of three years, except, every third year but one shall be elected for three years. Said election shall be held at the annual voting place or places in said township, by the regular election officers and shall be conducted in all respects as provided by law for the election of township officers; provided, there shall be a separate ballot box, poll books and tally sheets, and said election officers shall receive no extra compensation for such services. At such elections all the electors residing in any joint subdistrict, the school of which is controlled by the board of education of said centralized township district, shall be entitled to vote and be eligible to office as members of said board; provided, however, that the school of said joint subdistrict shall be under the management and control of said centralized board and said joint subdistrict shall not be included in said centralization.

SEC. 3927-6. Upon the election, qualification and organization of the board of education provided for in section 3927-4 of the Revised Statutes of Ohio the board of education previously existing in said township district shall cease to exist and the same is hereby abolished and the board of education provided for in this act shall be considered the successor of the former township board, with full power to levy taxes on property in joint subdistricts, in the same manner as the previously existing township board of education.

Abolishment
of prior exist-
ing board;
its successor.

SEC. 3927-7. The treasurer of the township shall be ex officio treasurer of the board of education, provided, that in all other respects the laws governing village boards of education shall govern and control all boards of education organized as provided by this act.

Township
treasurer ex
officio treas-
urer of board.

SEC. 3927-8. Boards of education in township districts organized as provided for by this act are required to maintain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school, to all pupils living more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway.

Course of
instruction.

SEC. 3927-9. Provided that in any township the schools of which have been, or may hereafter be, centralized and which township also contains a special school district, any territory which adjoins such special school district, and which prior to centralization comprised one or more subdistricts, may be taken out of such centralization and added to such special district, whenever a majority of the electors residing in such subdistrict territory shall petition such

Submission
of question of
detachment of
territory from
centralized
district and
attachment to
special dis-
trict.

special district therefor, and a majority of the electors residing in such special district, at a general or special election held therein shall vote in favor thereof. The judges and clerk of said election shall certify the result thereof to the clerk of the board of education in such special district, and said board shall cause the same to be entered upon its record book, and if a majority of the electors voting at such election vote in favor thereof such addition shall be deemed complete, and said board of education shall cause a correct map of said special district including said added territory to be forthwith certified to the county auditor or auditors, in case more than one county is affected thereby, to be by him duly entered and recorded, and such added territory shall thereupon become subject to all the laws governing the taxation and conduct of special school districts. Provided further that in all special school districts having an enumeration of less than two hundred there shall be maintained but one school, but nothing herein contained shall be construed as prohibiting different rooms or grades of the same school. The provisions of this section shall also apply to special districts and to subdistricts in townships that have not been centralized and the transfer of territory, whether the same is all in one county or in two or more counties can be made in like manner. [95 v. 649.]

Proviso.**TURNPIKES.**

Questions of
general tax for
turnpikes must
be submitted to
electors.

SEC. 4763. The commissioner shall not levy any general tax, nor appropriate any money, except so far as may be necessary to pay the expense of preliminary surveys already commenced, or any other liabilities already incurred, to be expended in the construction of such turnpikes, without first submitting to the qualified voters of the county the question as to the policy of constructing such roads by general tax, which submission shall be made at any annual spring or fall election; and the commissioners shall cause public notice of such vote to be given by publication in all the newspapers printed and of general circulation in the county, and also by causing handbills to be posted up, at the usual place of holding elections, in each township and ward throughout the county at least fifteen days prior to such election; provided, that in any county in which such question has heretofore been submitted, under authority of an act entitled "An act to authorize county commissioners to locate and construct turnpike roads," passed April 30, 1869, and acts amendatory thereto, and in which, at such election the majority of the votes cast, were in favor of such policy, no vote shall again be required to authorize the commissioners to continue such tax and improve roads as provided for in this chapter. [77 v. 161.]

Conduct of the
election.

SEC. 4764. The judges of such election in the several townships and wards in any county in which such question is submitted, and such notice given as aforesaid, shall open a poll for taking such vote, receive and count the ballots

cast, and within three days thereafter return to the auditor of the county a full and correct abstract of the votes, and shall in all respects be governed by the laws regulating general elections, and be entitled to the same compensation for returning the poll-books, which shall be paid out of the county treasury on the order of the auditor; and the poll-books so returned shall, within five days from the day of holding such election, be opened, and the votes counted by the commissioners and auditor of the county, and a correct statement of the result shall be kept by the auditor on file in his office for public inspection. [67 v. 9, § 2.]

SEC. 4765. If at such election a majority of the votes so cast be against the policy of constructing such turnpikes, the commissioners shall not assess any tax for that purpose, but they may, on petition of not less than one hundred taxpayers of the county, again submit the same question at any regular annual election, either in the spring or fall, to the qualified voters of the county, notice of which shall be given, and the election conducted in all respects in the manner prescribed in the two preceding sections. [67 v. 9, § 3.]

SEC. 4766. If at any such election a majority be found in favor of the construction of such turnpikes, the commissioners may proceed to levy taxes, issue bonds, and appropriate and expend money in the construction of such turnpike roads, as in their judgment may be necessary to the public convenience, and promotive of the public interest.

SEC. 4823. Councils of villages are authorized to levy a tax to construct free turnpike roads, or a part thereof, in counties wherein such villages are situate, and terminating or running through such villages, and for this purpose such councils are authorized to issue the bonds of the village, payable with legal interest at such times as the councils may deem advisable, and such bonds shall not be sold for less than their par value. [64 v. 54, § 2; 64 v. 109, § 1.]

SEC. 4824. For the purpose of paying such bonds, and the interest thereon, as the same become due, the councils are authorized to levy a tax upon the taxable property of such villages sufficient for the purpose not exceeding five mills on the dollar in any year; but such tax shall in no case be levied, nor shall such bonds be issued until at some regular election, held in such villages, the majority of the qualified electors thereof approve the tax; and in case the amount to be appropriated for any one road does not exceed the sum of five hundred dollars, the councils may appropriate and apply the same in money for said road improvement, out of any money on hand, or funds not other-

Question may
be again sub-
mitted.

Effect of an
affirmative vote.

Villages may
assist in con-
structing such
roads.

May issue
bonds.

Tax to be sub-
mitted to elect-
ors.

wise appropriated, without issuing bonds or levying a tax, such appropriation to be made by an ordinance passed for the purpose, specifying particularly the amount, and for what road appropriated. [72 v. 83, § 3.]

CRIMES AND OFFENSES.

Convict incom-
petent to be an
elector, or juror,
unless pardoned
or restored to
citizenship.

Convict of other
state disfran-
chised.

Betting on elec-
tion; how pun-
ished.

No intoxicating
liquors to be
sold on election
days and drink-
ing places to be
closed.

SEC. 6797. A person convicted of felony shall, unless his sentence be reversed or annulled, be incompetent to be an elector or juror, or to hold any office of honor, trust or profit in this state; the pardon of a convict shall effect a restoration of the rights and privileges so forfeited, or they may be restored as provided in section seven thousand four hundred and thirty-two; but a pardon shall not release a convict from the costs of his conviction, unless so stated therein. [78 v. 90.]

SEC. 6798. A person who has been actually imprisoned in the penitentiary of any other state of the United States, under sentence for the commission of any crime punishable by the laws of this state by imprisonment in the penitentiary, is incompetent to be an elector or juror, or to hold any office of honor, trust, or profit within this state, unless he shall have received a general pardon from the governor of the state in which he may have been imprisoned, agreeably to the laws thereof. [40 v. 30, § 1; 73 v. 127, § 33.]

SEC. 6939. Whosoever makes any bet or wager, sells or purchases any pools, on the result of any election held under the laws of this state, or upon the election of any person to any office, post, or situation, which by the constitution or laws of this state is made elective, or upon the election of president or vice-president of the United States, or of any elector of president or vice-president of the United States, shall be fined not more than five hundred nor less than five dollars, or imprisoned not less than ten days or more than six months; and when the amount put at hazard is between said sums, the fine shall equal the amount so hazarded. Prosecutions under this section shall be commenced within one year from the time the offense is committed. [75 v. 57, § 11.]

SEC. 6948. Whoever sells, or gives away, any spirituous, vinous, or malt liquors, on any election day, or, being the keeper of a place where any such liquors are habitually sold and drank, fails on any election day to keep the same closed, shall be fined not more than one hundred dollars, and imprisoned not more than ten days. [61 v. 24.]

SEC. 7039. Whoever gives any money, property, fee or reward of any kind or nature, directly or indirectly, for the vote, or for the influence of any person in favor of or against any candidate for nomination at any election held under the provisions of law relating to primary elections, or at any primary election held by any political party, whether the same be held in pursuance of the laws relating to primary elections within this state, or otherwise, shall be fined not less than one hundred dollars, and be imprisoned in the penitentiary not more than two years. [86 v. 363.]

Offering bribes
for votes at pri-
mary elections;
penalty.

SEC. 7040. Whoever, by threats, or otherwise, attempts to intimidate any elector, or any supervisor or judge of any election held under the acts mentioned in the last section, or in any manner interferes with or disturbs any such election, shall be fined not more than one hundred dollars, and imprisoned not more than thirty nor less than twenty days. [68 v. 29, § 6.]

Attempting to
intimidate elect-
ors or judges at
such election.

SEC. 7041. Whoever gives directly or indirectly any reward, fee, money or property to influence the vote of any delegate or any elector in favor of or against any candidate, or for any labor or service rendered to any candidate for nomination or election, or to be rendered to any candidate for nomination or election to any office whatever, or for any expense incurred, shall be fined not more than five hundred dollars, and be imprisoned in the penitentiary not more than five years. [86 v. 363.]

Bribery of dele-
gates or
electors.

SEC. 7042. A candidate for nomination to any office, before any convention held under the acts named in section seven thousand and thirty-nine, who pays, or promises to pay, directly or indirectly, any money or property, to any delegate, for the purpose of obtaining his influence or vote for such nomination in such convention, shall be fined not more than five hundred nor less than one hundred dollars, and, if nominated and elected to such office, shall be ineligible to hold the same, and shall be disqualified from voting or being nominated at any such election or convention. [71 v. 114, § 9.]

Candidate at
such election
paying or prom-
ising bribes.

SEC. 7043. A supervisor or judge of any such election who wilfully omits any duty imposed upon him by the provisions of chapter one, title fourteen, part first, and a person who votes at any such election, not being a citizen of the United States, or when he can not become a qualified voter at such precinct at the next public election, or casts a ballot after objection has been made and sustained to his vote, or votes more than once at any such election, at the same or a different precinct or poll, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned in the county jail not more than sixty nor less than ten days, or both. [68 v. 29, §§ 4, 5.]

Penalties for
omissions of
duty and fraud-
ulent voting.

SEC. 7045. The subsequent sections of this chapter apply to all public elections authorized by the laws of this state. [51 v. 421, § 1.]

To what elec-
tions subse-
quent sections
applicable.

Voting, not being a resident of the precinct twenty days.

Voting, not being a resident of the county thirty days.

Voting, not being a resident of this state.

Voting more than once at the same election.

Voting without a residence of one year; not being twenty-one years of age; not a citizen; convicted of crime and not pardoned.

Procuring illegal vote.

Procuring an elector to go or come into a county of which he is not a resident to vote.

Deceiving an elector who can not read.

SEC. 7047. Whoever votes in any election precinct in which he has not actually resided for twenty days next preceding the election, or into which he shall have come for temporary purposes merely, shall be fined not more than five hundred dollars, or imprisoned not more than six nor less than three months. [73 v. 155, § 4.]

SEC. 7048. Whoever, being a resident of this state, votes in any county in which he has not been an actual resident for thirty days next preceding the election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [65 v. 100, § 5.]

SEC. 7049. Whoever, being a resident of another state, votes at any election in this state, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 7.]

SEC. 7050. Whoever votes more than once at the same election shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 6.]

SEC. 7051. Whoever votes at any election, not having been a resident of this state for one year immediately preceding the election, or not being twenty-one years of age, knowing that he is not of full age, or not being a citizen of the United States, knowing that he is not such citizen, or being disqualified by a conviction of crime, and not pardoned and restored to all the rights of a citizen, shall be imprisoned not more than six months nor less than one month. [39 v. 13, § 8.]

SEC. 7052. Whoever counsels or advises another to give his vote, knowing that he has not been a resident of this state for one year immediately preceding the election, or at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, or that by reason of other disability, he is not duly qualified to vote at the place where, or the time when, the vote is to be given, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than six months nor less than one month. [39 v. 13, § 9.]

SEC. 7053. Whoever procures, aids, assists, counsels, or advises another to go or come into any county for the purpose of giving his vote in such county, knowing that the person is not duly qualified to vote in such county, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 10.]

SEC. 7054. Whoever furnishes an elector who cannot read with a ticket, informing him that it contains a name different from those which are written or printed thereon, with intent to induce him to vote contrary to his inclination, or fraudulently or deceitfully changes the ballot of any elector, by which such elector is prevented from voting for such candidate as he intended, shall be imprisoned in the penitentiary not more than three years nor less than one year. [39 v. 13, § 12.]

SEC. 7055. Whoever, either before or after the proclamation is made of the opening of the polls, fraudulently puts a ballot or ticket into the ballot-box, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 52, § 21.]

Fraudulent voting.

SEC. 7056. A judge of any election who, after the counting of votes commences as required by law, postpones the counting of votes cast at such election, or adjourns for any time or to any place, or removes the ballot-box from the place of voting, or from the custody or presence of all the judges of such election, shall be fined not more than one thousand nor less than one hundred dollars, and imprisoned not more than ten days. [69 v. 58, §§ 1, 2.]

Judges postponing counting, adjourning, or removing ballot-box.

SEC. 7057. A judge of any election who knowingly permits any ballot or ticket, fraudulently placed in the ballot-box, if the same can be designated, to be counted with the legal votes cast at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 52, § 21.]

Judges of election knowingly counting fraudulent votes.

SEC. 7058. A judge of an election who knowingly receives, or sanctions the reception of a vote from any person not having all the qualifications of an elector prescribed by law or receives or sanctions the reception of a ballot from any person who refuses to answer any question put to him in accordance with the requirements of the laws of this state relating to elections, or refuses to take the oath prescribed by the laws aforesaid, or refuses, or sanctions the refusal of any other judge of the election board to which the judge belongs, to administer any oath required by the laws aforesaid to be administered, or refuses to receive, or sanctions the rejection of, a ballot from any person, knowing him to have all the qualifications of an elector prescribed by law, or refuse, if requested, to permit the respective candidates at such an election, or not exceeding three of the friends of each of such candidates, to be present in the room where the judges are during the time of receiving and counting out the ballots; and a judge or clerk of an election, on whom any duty is enjoined by the laws of the state relating to elections, who wilfully neglects any such duty, or is guilty of any corrupt conduct in the execution of the same, shall be fined not more than one thousand nor less than three hundred dollars, and imprisoned not more than six nor less than three months. [73 v. 157; 77 v. 267.]

Misconduct of officers of election; how punished.

SEC. 7059. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains, or attempts to obtain, possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out of such ballot-box and enumerated by the judges of election according to law, shall be imprisoned in the penitentiary not more than three years nor less than one year. [53 v. 59, §§ 1, 3.]

Unlawfully obtaining, or attempting to obtain possession of ballot-box or ballots.

SEC. 7060. Whoever shall, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of election, unlawfully

Penalty for destroying ballot-box, ballots, or poll-books.

destroy, or attempt to destroy, any ballot-box or poll-book used at any election; or shall, within the same time, unlawfully destroy, falsify, mark, or write on any ballot cast or voted; or shall, within the same time, unlawfully change, alter, erase or tamper with any name contained on any ballot cast or voted, shall be imprisoned in the penitentiary not more than five years nor less than one year. [78 v. 30.]

Penalty for
fraudulent writ-
ing on poll-
books or tally-
sheets.

SEC. 7061. Whoever shall, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of election, wilfully and with fraudulent intent, inscribe, write, or cause to be inscribed or written, in or upon any poll-book, tally-sheet, or list, lawfully made or kept at any election, in or upon any book or paper purporting to be such, or upon any election returns, or upon any book or paper containing the same, the name of any person not entitled to vote at such election, or not voting thereat, or any fictitious name, or, within the same time, shall wrongfully change, alter, erase, or tamper with any name, word or figure contained in such poll-book, tally-sheet, list, book or paper; or falsify, mark, or write on such poll-book, tally-sheet, list, book, or paper in any manner whatsoever, such act or acts being done with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [78 v. 30.]

Possession of
forged or altered
poll-books or
tally-sheets
with fraudulent
intent.

SEC. 7062. Whoever has in his possession any falsely made, altered, forged, or counterfeited poll-book, tally-sheet, or list, or election returns, of any election, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to hinder, defeat, or prevent a fair expression of the popular will at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 51, § 2.]

Marking bal-
lots, or printing,
distributing or
voting ballots
unlawfully
written or
printed.

SEC. 7063. Whoever, at any election, marks the ballot of any elector, or hands a marked ballot to him to vote, with intent to ascertain how he voted, or prints for distribution any ballot contrary to the provisions of law, or distributes to an elector, or knowingly votes, any ballot printed or written contrary to the provisions of law, shall be fined not more than fifty dollars, and imprisoned not more than ten days. [65 v. 138, § 3; 71 v. 31, § 2.]

Prosecutions.

SEC. 7066. Prosecutions under the sections 7039 to 7065, inclusive, must be commenced within six months after the commission of the act complained of. Penalties for the violation of section 7064 shall not apply to the payment of an assessment made by a regularly organized committee for legitimate election expenses of the party to which the candidate belongs. [86 v. 363.]

INDICTMENT.

How election to
be averred.

SEC. 7225. When an offense is committed in relation to any election, an indictment for such offense shall be deemed sufficient if it allege that such election was author-

ized by law, without stating the names of the officers holding the election, or the persons voted for, or the offices to be filled, at such election. [66 v. 302, § 98.]

SEC. 7226. Counts under sections seven thousand and forty-four, seven thousand and sixty-four, seven thousand and sixty-five, and seven thousand and sixty-six, may be joined in the same indictment, against the same defendant, for acts committed with reference to the same election; and evidence offered on any one count shall be competent evidence to prove the intent charged in any other count of the indictment. [76 v. 75, § 6.]

Counts for bribery, etc., at elections may be joined.

BOARD OF ELECTIONS IN HAMILTON, CUYAHOGA, LUCAS AND FRANKLIN COUNTIES.

(2926v-1). SEC. 1. In any county having within its territory a city of the first class and first grade of the second class, except counties containing cities of the first class fourth grade, the election precincts of the county not included within the city, shall be held and deemed to be election precincts of the city for the purpose of conducting and supervising elections therein, and the boards of elections heretofore established in such cities shall have directions of elections in such precincts and throughout such county; and all the provisions, duties, penalties and requirements contained in section two thousand nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended shall apply and be in full force as to all elections held in such counties as well as such cities, except as herein specified; and the members, secretary, deputy secretary, clerks and assistants of such board, shall be electors of the county and not of the city merely. [93 v. 361.]

Conduct of elections in counties containing cities of the first class and first grade of the second class.

(2926v-2). SEC. 2. The following provisions included in this section, shall apply only to elections in precincts not included in such cities: Registration of electors, as provided in the above mentioned sections, shall not be required. The board of elections may, in its discretion, authorize the judges of elections to omit the meeting for organization, provided in section 2926n, but in all such cases the judges shall organize as therein required, on the morning of the election, before opening the polls. The boards of elections may, when expedient, permit the oath required by section 2926e to be administered by an officer authorized to administer oaths without the appointee appearing at the office of the board, and any such officer is required to administer such oath without compensation; but in all such cases the oath, duly certified, must be filed in the office of the board before the certificate of appointment is issued. The board may dispense with the notice of appointment required in section 2926e; when vacancies occurring on the day of election have been filled, as required in said section, and when said

Provisions applicable to elections in precincts outside such cities.

notice has been so dispensed with, the appointee shall serve upon such appointment as if he had been appointed by the board. The board may authorize judges of election to forward, by mail, the certified summary statement of votes required in section 2926*p*; provided, the said judges shall have announced the vote to the board by telegraph or telephone, as required in said section and in section 2926*q*. The board of elections shall provide for the safe-keeping and delivery of the ballot-boxes as may seem expedient. [93 v. 362.]

Delivery of poll books.

(2926*w-3*). SEC. 3 At every election, in any county as aforesaid, for state or county officers, or for representatives in congress, or for presidential electors, the poll-book of each precinct, addressed to "the county board of canvassers," as required by section 2926*r*, shall be delivered at the office of the board of elections. The other poll-book shall be addressed to the "clerk of the court of common pleas," and delivered to him, and he shall preserve it for one year, for inspection as a public record, and shall, upon demand of the board of canvassers, produce any such poll-book for their inspection and use. The time and manner of delivery of poll-books shall be as provided in section 2926*r*, except that the poll-books from election precincts not included within the city, shall be delivered within twenty-four hours after closing the polls. The president or secretary of the board of elections may order the summary arrest of any judge of elections in such county, who fails to make returns of any election; and it shall be the duty of the sheriff of the county, or of any policeman or constable, to whom such order may be directed, to bring such delinquent judge, together with the poll-book, and other books pertaining to the election or registration, before said board. [93 v. 362.]

Canvass of vctes
and returns
thereof.

(2926*w-4*). SEC. 4. The members of the board of elections shall constitute the county canvassing board; and all duties as to canvassing the votes and making returns of the same, now by law assigned to the clerk of the court of common pleas, shall be performed by such board. Within four days after the election in November, and after any special election for county or state officers, or for representative in congress, the members shall meet at the office of the board of elections, and organize by choosing one of their number to be president, and appointing a secretary and necessary assistants. They shall proceed to canvass the vote of the county, and make return of the same as required by section 2926*s*, and by law. In case of doubt or disagreement, so that the board cannot proceed with the canvass, a statement in writing in [of] the matter in doubt or controversy, shall be made and forthwith submitted to one of the judges of the circuit, for the circuit in which the county is situated; and if the board cannot otherwise agree the judges shall be selected by lot. Such judge shall summarily decide upon the matters submitted to him, and his decision shall be final. [93 v. 363.]

(2926w-5). SEC. 5. Judges and clerks of election, appointed as herein provided, shall be allowed compensation as fixed in section 2926t. Salaries of the members and secretary, as fixed in said section, shall be paid out of the city treasury; and in addition there shall be allowed to each member of the board, in counties containing cities of the first class, except counties containing cities of the first class, fourth grade, the sum of five hundred dollars per annum, and to the secretary the sum of six hundred dollars per annum, and in counties containing cities of the first grade of the second class, to each member of the board and to the secretary, the sum of four hundred dollars per annum, all payable quarterly out of the treasury of the county. The expense of the purchase and repair of ballot-boxes, shall be paid out of the county treasury. All other expenses of every description incurred between the first day of July and the thirty-first day of December in each year, shall be paid out of the county treasury; and all expenses incurred between the first day of January and thirtieth day of June in each year, shall be paid as heretofore provided by law. All payments shall be made upon vouchers of the board, made and certified as required by section 2926d. [93 v. 363].

Compensation
of judges and
clerks; salaries
of members and
secretary of
board; expense
of ballot-boxes.

Other expenses;
how payments
to be made.

(2926w-6). SEC. 6. In all counties other than counties containing cities of the first class and first grade of the second class, in or for which there is or may be established deputy state supervisors of elections, said deputy state supervisors shall, in their respective counties, in the conduct of elections, have all the power and perform all the duties conferred and imposed by this act, and the sections of the Revised Statutes amended and reenacted therein, on the clerks of the court, and be subject to the same provisions, penalties and requirements. Judges and clerks appointed for the several precincts of a county by such board of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act in preference to the judges and clerks provided for herein, and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed in the sections of the Revised Statutes amended and reenacted by this act upon judges and clerks of election. [93 v. 363.]

Other counties
than above
supervisors to
act; judges and
clerks.

AN ACT

To enlarge the powers of the deputy state supervisors of elections in certain cities.

SEC. 1. That in any county which may now or hereafter contain a city of the second grade of the second class, the deputy state supervisors of elections in and for such county, shall be, and are hereby empowered and authorized to provide a proper polling place or house in and for each voting precinct in such county outside of such city, and to designate the locations thereof, in which elections shall be held and voting at elections shall be done, provided that township houses shall be voting places in the precincts where they may be situated. [90 v., local laws, 371.]

SEC. 2. That in order to provide such polling places or houses, such deputy state supervisors of elections may rent proper houses, rooms or other places, or may procure and purchase portable houses and provide for the care, repair, setting up and removal thereof, and such portable houses may be set up for elections on any public, county or township road, highway or street. When such deputy supervisors determine to purchase portable houses they shall obtain same for the lowest price possible, regard being had to the suitableness and utility of the various kinds

manufactured or obtainable, and such deputy supervisors shall provide means for the heating and lighting of, and proper furniture for, all such polling places or houses. [90 v., local laws, 371.]

SEC. 3. Such deputy state supervisors of elections shall contract in the name of such county for the providing of such polling places, or purchase of such portable houses, and for the means of heating and lighting, furnishing, keeping, repairing, setting up and removing same. Such deputy supervisors shall certify to the county commissioners of such county all bills, accounts and liabilities named in, for and by all such contracts made as and for the purposes aforesaid, and in the performance of all such contracts, and same shall be paid out of the county treasury as other county expenses, and such county commissioners shall make the necessary levy to meet the same. [90 v., local laws, 371.]

REPEAL OF CORRUPT PRACTICES ACT.

AN ACT

To repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of an act passed April 8, 1896, 92 Ohio Laws, pages 123 and 132, inclusive."

Be it enacted by the General Assembly of the State of Ohio:

SEC. 1. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of an act passed April 8, 1896, 92 Ohio Laws pages 123 and 132 inclusive, be and the same are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage. [95 v. 77.]

Passed March 31, 1902.

Garfield corrupt practice law repealed.

CONSTITUTIONAL AMENDMENTS—OTHER QUESTIONS.

AN ACT

To regulate voting in cases where statute provides for a vote being taken on any question, but is silent as to number of votes necessary to authorize the act voted upon.

Number of votes necessary to authorize performance of act when statute providing for submission of question is silent.

SEC. 1. That in any and all cases where it is provided by statute that any question shall be submitted to the qualified voters of any township, village, county or city in the state of Ohio, and the statute so providing is silent as to the number of votes necessary to authorize the performing of the act voted upon, such statute shall be held to mean that a majority of all the qualified voters voting at said election must vote in favor thereof in order to authorize the same. [90 v. 130.]

Submission of question when special election not provided for.

SEC. 2. Unless the act so providing for the submitting of any question to the qualified voters of any township, county, village or city also provides for the calling of a special election for that purpose, no special election shall be so called, and the question so to be voted upon shall be sub-

mitted at a regular election in such township, county, village or city, and notice that such questions is to be voted upon shall be embodied in the proclamation for such election. [90 v. 130.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio,
and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

SEC. 1. That at the general election to be held on the first Tuesday after the first Monday of November, 1903, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Return of
vote cast for
or against
constitutional
amendment.

SEC. 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the deputy supervisors of elections of each county to the state supervisor of elections, within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Return by
deputy state
supervisors of
election to
state super-
visor of elec-
tions.

Canvass of
votes.

SEC. 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper of general circulation in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1903, and in counties where newspapers of general circulation represent each of the two leading political parties, then such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1903; and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Publication
of proposed
amendments
to constitu-
tion.

German
newspaper.

SEC. 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4366) of the Re-

Charges for
publication.

vised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published. [95 v. 291.]

AN ACT

To provide for the manner of submission of constitutional amendments and other questions to a vote of the people.

Be it enacted by the General Assembly of the State of Ohio:

Constitutional amendment; state convention of political party may take action in favor or against adoption of.

Certification of action to secretary of state, and printing upon ballot.

Manner of printing on ballot.

How ballot to be marked.

SECTION 1. That whenever the approval of any constitutional amendment is to be submitted to a vote of the people, any state convention of a political party, which at the last preceding general election polled at least one per cent. of the entire vote cast in the state, may take action in favor of it, or against the adoption of such constitutional amendment to be submitted at the next succeeding annual election, and shall certify such action to the secretary of state in the manner provided for certifying nominations for state officers, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of said party in the manner hereinafter provided.

SECTION 2. Such constitutional amendment or amendments shall be stated in words sufficient to clearly designate the same, and such statement or statements shall be printed in a separate column on the regular ballot. On the line below such statement shall be printed the word "Yes," and on the next line below shall be printed the word "No" provided that said statement shall also be placed on the official ballot immediately below the names of the candidates for state officers on the regular ticket of any party or parties certifying action thereon as provided in section 1 of this act, being followed by the word "yes" or the word "no" accordingly as affirmative or negative action shall have been certified thereon by said party or parties, and said statement of said amendment or question, with the action taken thereon by said party, shall thereupon become a part of said party ticket.

SECTION 3. The elector shall observe the following rules in [marking] making his ballot:

1. He may make a cross in the blank space to the left of and before the answer he desires to give to the submission of any constitutional amendment, in the separate column devoted to said amendment, or he may make a cross mark in the blank space to the left of and before the statement, and answer thereto, of any constitutional amendment, as the same may be printed and certified on the ticket of any political party; whereupon, such mark shall cast his ballot for the answer opposite which it is made.

2. The voter may make a cross mark in the blank circular space at the head of any ticket upon which is printed

the statement of any constitutional amendment or question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to the submission of each and every constitutional amendment so printed on said ticket, unless he shall have specifically answered any of said constitutional amendments otherwise elsewhere on the ballot in the manner heretofore stated.

SECTION 4. Save as otherwise provided herein, all of the provisions of title 15, chapter 2, of the Revised Statutes of Ohio, and all acts amendatory and supplementary thereto, shall apply to the election herein provided for, and all the provisions of said law, or laws, relating to the marking and counting of ballots for candidates, not inconsistent herewith, shall apply to the marking and counting of votes upon any constitutional amendment in any election held under the provisions of this act. [95 v. 352.]

Application of other laws.

CONDUCT OF GENERAL ELECTIONS.

SEC. 2922. Except in cases where it is otherwise provided, all public elections shall be held and conducted according to the provisions of this chapter. [Ch. 2, Title XIV.]

To what elections the provisions of this chapter apply.

SUPERVISORY ELECTION LAWS.

(2966-1). **SEC. 1.** That there is hereby created the offices of state supervisor of elections and of deputy state supervisors of elections, with the powers and duties herein-after prescribed, for the conduct and supervision of all elections in this state, except for school directors and road supervisors. [89 v. 455.]

State supervisor and deputy state supervisors of elections.

(2966-2). **SEC. 2.** By virtue of his office the secretary of state shall be the state supervisor of elections, and in addition to the duties now imposed on him by law, shall perform the duties of such office as defined herein. [89 v. 455.]

State supervisor of elections.

(2966-3). **SEC. 3.** On or before the first Monday in August, 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties

Appointments, qualifications and term of deputy state supervisors.

Vacancies.

Recommendation by party executive committees.

Removals.

Powers and duties of boards of elections in counties containing cities of the first class, and first grade of the second class.

Powers and duties of boards of elections in counties containing cities of the second class other than cities of the first grade of the second class.

Selection and term of chief deputy and clerk.

which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or out-going member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the appointment is made, then the state supervisor shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause; and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party. Provided further, that in counties containing cities of the first class and first grade of the second class, the board of elections heretofore provided for such cities, by section 2926, and all sections supplementary thereto, of the Revised Statutes, shall have all the powers and perform all the duties for such counties imposed, and conferred by this act on the deputy state supervisors. And deputy state supervisors in all counties containing cities of the first grade of the second class are hereby abolished. In counties containing cities of the second class, other than cities of the first grade of the second class, the board of elections heretofore provided for said cities, shall have power and be subject to the duties prescribed in section 2926 of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November election shall, in such counties be made to the deputy state supervisors, as hereinafter provided; and in addition thereto, each board shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed in this act. [93 v. 364.]

(2966-4). SEC. 4. In all counties except counties containing cities of the first class and first grade of the second class, the deputy state supervisors for such counties shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all the meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before 1

o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots no person shall be agreed upon as clerk, the clerk shall be selected by lot, from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be, and act as the chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor. The clerk shall be paid a salary, in quarterly installments, not to exceed one hundred dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. He shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to chief judges of election, or any witnesses who may be called to testify before the board. At such meeting for organization, the deputy supervisors may remain in session not more than two days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. *For attending all meetings the deputy supervisors shall receive as compensation the sum of two dollars per day, not to exceed thirty days in any one year, and mileage at the rate of five cents a mile going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same.
[93 v. 365.]

(2966-5). SEC. 5. The secretary of state is hereby authorized and required to collate and publish all the election laws in force applicable to the conduct of elections. There shall be twelve thousand copies of such election laws printed, to be bound in paper, which shall be distributed in proportion to the number of voting precincts in each county, such dis-

Report of organization.

Salary of clerk.

Clerk's power to administer oaths.

Sessions of deputy supervisors; publication of notice for bids for printing.

Compensation of deputy supervisors.

Payment of compensations and expenses.

Collation, publication and distribution of election laws.

* For act prescribing compensation of deputy supervisors and clerk in Butler county, see 92 v. 732. For act prescribing compensation of deputy supervisors and clerk in Montgomery county, see 93 v. 353. For salaries of deputy supervisors and clerks in Cuyahoga, Franklin and Lucas counties, see 94 v. 304. For compensation of judges and clerks in Cuyahoga county, see 94 v. 305. For salaries of deputy supervisors and compensation of judges and clerks in Hamilton county, see 95 v. 328.

tribution to be made in each county by the deputy supervisors therefor. [90 v. 265.]

Appointment of judges and clerks.

Presiding judge.

Terms.

Apportionment.

Vacancy.

Compensation.

Removals.

Oath of election officers.

Judges and clerks in municipal and board of education elections in certain villages.

Oath of deputy supervisors.

(2966-6). SEC. 6. At least ten days before any annual or general election, the deputy supervisors of each county shall, when vacancies exist, appoint, in all precincts in which the voters are not registered, four judges and two clerks of election, residents of the precinct, who shall constitute the election officers of such precinct: the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, as determined by the next preceding November election, to act as presiding judge. The terms of the judges and clerks

shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall

belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of election, the electors present shall, *viva voce*, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three (\$3) dollars for their services, which services shall be the receiving, recording, canvassing, and making an abstract of all the votes that may be delivered to them in the voting precinct in which they preside on each election day; provided, however, that in cities where registration is required, the compensation of judges and clerks of elections, shall remain as now fixed by law.

The judges and clerks of election, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of the board of deputy state supervisors to immediately send notice to the board of precinct officers. The presiding judge may be sworn by the clerk of the board or any member thereof, and may himself administer the oath to the other election officers of his ward, township, or precinct. [93 v. 152.]

(6-1) SEC. 1. That in incorporated villages having less than five hundred (500) voters, situated in two or more counties, all municipal elections and elections for members of board of education shall be held under one set of judges and clerks; such judges and clerks to be appointed by the regular board of elections in the county having the majority population of said corporation, and that said judges and clerks shall be residents of said corporation upon either side of county line so dividing said corporation. [92 v. 72.]

(2966-7). SEC. 7. Each deputy supervisor of elections shall, before entering upon his duties, appear before some person authorized to administer oaths, and take and subscribe to

the following oath, which shall be filed with the clerk of the court of common pleas in the county where such deputy resides:

State of Ohio, _____ county, ss.:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and perform the duties of deputy state supervisor of elections to the best of my ability. Signed, _____.

Sworn to and subscribed before me this — day of —, in the year —.

[*Title of officer.*]

The clerk of the deputy supervisors for each county shall, before entering upon his duties, take and subscribe the following oath, which shall be filed with the clerk of the court of common pleas of the county where he resides:

Oath of clerk of
deputy super-
visors.

State of Ohio, _____ county, ss.:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and discharge the duties of clerk of the deputy state supervisors for _____ county to the best of my ability, and preserve and keep all records, documents and other property pertaining to the conduct of elections placed in my custody.

Signed, _____.

Sworn to and subscribed before me this — day of —, in the year —.

[*Title of officer.*]

The clerks and judges of election shall take and subscribe to the following oath, which, upon request of the person appointed, shall be administered without compensation by any person authorized to administer oaths, and which shall be filed with the clerk of the deputy state supervisors:

Oath of clerks
and judges.

State of Ohio, _____ county, ss.:

I do solemnly swear that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge —, — clerk — of the election in and for precinct —, — township, — county, at the next ensuing election, and I further solemnly swear that if, in the discharge of my official duties, I gain knowledge as to how any elector voted at said election, I will not disclose the same.

Signed, _____.

Sworn to and subscribed before me this — day of —, in the year —.

[91 v. 119.]

[*Title of officer.*]

(2966-8). SEC. 8. The judges and clerks provided for herein shall serve as such in all elections held under the provisions of this act. They shall perform all the duties and be subject to all the penalties imposed upon judges and clerks of election by law and the act entitled "An act to provide a mode for conducting elections," etc., passed April 30, 1891, and acts amendatory and supplementary thereto.

Duties of judges
and clerks; pen-
alties to which
subject.

The state supervisor of elections and the deputy supervisors of each county, as herein provided, shall perform all the duties imposed by law and the act entitled "An act to

Duties of state
supervisor and
deputy super-
visors.

provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, as amended and supplemented, upon the secretary of state, or the clerk of the court, or a board of elections acting within and for a county, in the conduct of elections.

Certificates of
nominations,
nomination
papers, and
vacancies.

Questions to be
decided by chief
deputies and
clerks.

Submission of
question to
state supervisor,
and decision
thereof.

General duties
of deputy super-
visors.

Return and can-
vass of vote for
township and
municipal
officers, mem-
bers of boards
of education
and justices of
the peace.

The state supervisor of elections and the deputy supervisors shall receive and file the certificates of nominations and nomination papers, fill vacancies, pass upon the validity thereof and certify the same agreeably to the provisions of law and said act regulating the filing and the determination of the validity thereof, to be made and done by the secretary of state, board, clerk, officer or officers.

Objections or questions arising on the nomination certificates or papers of candidates for district or circuit offices, or offices of a subdivision of a district or circuit, shall be determined by the chief deputies and clerks of the deputies of the counties comprising said district or circuit. In case no decision can be arrived at by the deputy supervisors for the county or by the chief deputies and clerks of a district or circuit, then the question shall be submitted to the state supervisor of elections, who shall summarily decide the same and his decision shall be final.

The deputy supervisors for each county shall advertise and let the printing of the ballots, cards of instruction and other required books and papers to be printed by the county; they shall receive the ballots from the printer and cause the same to be securely sealed up in their presence in packages, one for each precinct, containing the designated number of ballots for each precinct, and shall make the necessary indorsement thereon as provided in said act; they shall provide for the delivery of the ballots, poll-books and other required books and papers at the polling places in the several precincts; they shall cause the polling places to be suitably provided with booths, guard-rails, etc., as provided in said act of April 30, 1891, and acts amendatory and supplementary thereto; they shall provide for the care and custody of the same during the intervals between elections; they shall receive the returns of election, make abstracts of the same, and transmit such abstracts to the proper officers at the times and in the manner provided in sections 2980, 2982, 2983, 2989 and 2994 of the Revised Statutes to canvass the returns, make abstracts thereof, transniit the same and issue certificates to persons entitled to the same.

In April or other elections for township or municipal officers, or boards of education, or the election of a justice of the peace, the judges and clerks of election shall certify the returns to the clerk of the township or the clerk of the municipality in which the election is held, or clerk of the board of education, instead of to the deputy state supervisors, and the said township clerk, or the clerk of the municipality, or clerk of the board of education, shall can-

vass the vote and declare the result in the manner and as provided in sections 1453, 1729 and 3910 of the Revised Statutes, and in the case of an election of a justice of the peace, shall certify the result to the board of deputy state supervisors; except in municipalities where the voters are registered the returns shall be made and canvassed as provided in section 2926 of the Revised Statutes. [90 v. 266.]

Municipalities having registration.

(2966-9). SEC. 9. Any deputy state supervisor of elections or any clerk of the deputy supervisors for any county, upon whom a duty is imposed by law, who shall wilfully and negligently violate his said duty, or who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of the law, or who shall wilfully disobey any provision of the law incumbent on him, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in jail not more than one year, or both. [89 v. 460.]

Penalty for violation, neglect, or wrong performance of duty, or disobedience, by deputy supervisor or clerk.

(2966-10). SEC. 9 α . It shall be the duty of the county boards of deputy state supervisors to investigate all irregularities or non-performance of duty by any election officer that may be reported to them, or that comes to their knowledge, and report the facts to the state supervisor of elections and to the prosecuting attorney of the county; and the state supervisor of elections, or the deputy state supervisors of the county, shall have authority, and it is hereby made their duty, to order the prosecution of all offenses for violations of this act, or any of the laws of the state relating to the conduct of elections. [91 v. 121.]

Investigation of irregularities or non-performance of duty by election officer; report thereon.

Prosecutions.

To supplement sections 4 and 8 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in Ohio," passed April 18, 1892 (O. L., 89-455), now designated and enforced as sections (2966-4) and (2966-8), respectively, of the Revised Statutes of Ohio, by the enactment of sections 4c and 8 α , which shall be respectively designated section (2966-4c) and section (2966-8 α), and to repeal section (1545-278) of said Revised Statutes.

[SUMMIT AND MAHONING COUNTIES.]

Be it enacted by the General Assembly of the State of Ohio:

SEC. 1. That section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in Ohio," passed April 18, 1892 (O. L., 89-455), now designated and enforced as section (2966-4) of the Revised Statutes of Ohio, be, and the same is hereby supplemented by the enactment of section 4c, to be designated section (2966-4c) of said Revised Statutes, as follows:

SEC. 4c. In all counties which, by the federal census of 1900 had, or by any subsequent federal census shall have, a population of not less than 70,000 nor more than 75,000 inhabitants, each member of the board of deputy state supervisors of elections, shall be allowed and paid a salary of two hundred and fifty dollars per year, and the clerk thereof, shall be allowed and paid a salary of \$400 per year, payable quarterly.

The board of deputy state supervisors of elections of such counties shall maintain an office at the county seat of their respective counties, and shall equip the same with the necessary furniture, fixtures, at an expense of not more than \$250.00 per annum.

The salaries of the members and of the clerk of each of such boards of deputy state supervisors of elections, together with the necessary expenses incurred by said board in the maintenance of such office, or otherwise incurred in the conduct of elections within their respective counties, shall be payable upon vouchers approved by the board, out of the county treasury; and the county commissioners shall make the necessary levy to meet the same.

SEC. 2. That section 8 of the aforesaid act, now designated and enforced as section (2966-8) of the Revised Statutes of Ohio, be, and the same is hereby supplemented by the enactment of section 8a, to be designated section (2966-8a) of said Revised Statutes, as follows:

SEC. 8a. In all counties which, by the federal census of 1900 had, or by any subsequent federal census shall have a population of not less than 70,000 nor more than 75,000 inhabitants, the deputy state supervisors of elections for each of such counties shall have all the powers and perform all the duties in the conduct of elections within their respective counties as are now imposed by the laws of Ohio upon said deputy state supervisors of elections, and in addition thereto, in all cities within their respective counties wherein the registration laws of Ohio are enforced, the said board of deputy state supervisors of elections of each of such counties shall constitute and be the city board of elections for each of such cities, and shall have all the powers, and perform all the duties now or hereafter imposed by law upon boards of elections for such cities. [95 v. 767.]

BALLOT LAWS.

Conduct of
elections of
public officers;
exceptions.

(2966-13.) SEC. 1. That hereafter elections of all public officers, except school directors of subdistricts and joint-subdistricts, and special school districts holding election on the second Monday of April, and all officers of original surveyed townships, in this state, shall be conducted according to the provisions of this act and existing laws not inconsistent therewith. [90 v. 268.]

Forms for
guidance of
deputy state
supervisors of
elections.

(2966-14). SEC. 2. In addition to the duties now imposed on him by law, the secretary of state shall prepare and furnish to the deputy state supervisors of elections, for their guidance, forms of all the blanks, cards of instruction, including poll-books and tally-sheets, certificates of nomination and designs, provided for hereinafter, for the conduct of elections in this state. [90 v. 268.]

DIVISION OF PRECINCTS.

Division of
wards, town-
ships or pre-
cincts.

SEC. 2966-15. In all municipalities where registration is not required, and in townships, when four hundred votes or more have been cast at the last preceding November

election in any ward or township, in any precinct therein, such ward, township or election precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of votes in each ward or precinct to three hundred, as nearly as may be practicable; and from time to time, any or all of such precincts may be rearranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts, shall be divided, changed or combined will be considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and if there are no remonstrances against said division, change or combination, they shall declare the same, and the precincts so established; but if any twelve electors of such precincts remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the powers and duties of city boards of elections in reference to the division of election precincts within such cities as provided in section 2926 of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election of an assessor in each such subdivision, but in all such election precincts subdivided as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct. [95 v. 360.]

(2966-16). SEC. 4. In all other municipalities not divided into wards and not of themselves forming a separate voting precinct, the deputy state supervisors may determine whether the election officers of the township shall conduct such municipal election, or whether a separate set of judges and clerks shall be appointed and required to conduct the election within the municipality. [91 v. 118.]

SEC. 2966-17. No person being a candidate for any office to be filled at an election shall serve as deputy state supervisor or clerk thereof, or as a judge or clerk of elections in any precinct at such election; and any person serving as deputy state supervisor or clerk thereof, judge or clerk of election contrary to the provisions of this section, shall be ineligible to any office to which he may be elected at such election. [95 v. 47.]

NOMINATIONS.

(2966-18). SEC. 6. Nominations of candidates for public office may be made as herein provided, and when not invalidated or withdrawn, the names of such candidates shall be printed on the ballots. Any convention, caucus, meeting of qualified electors, primary election held by such electors, or central or executive committee, representing a political party,

Rearrange-
ment, subdivi-
sion or combina-
tion of such
precincts.

Notice of pro-
posed change.

Hearing and
determination of
question.

City election
precincts.

Election of
assessors.

Judges and
clerks in mu-
nicipalities not
divided into
wards and not
of themselves
forming sep-
arate precincts.

Candidate inel-
igible as deputy
state supervisor
or clerk thereof,
or as judge or
clerk of elec-
tions.

Nomination of
candidates.

Certificate of nomination.

which at the next preceding general election polled at least one per cent of the entire vote cast in the state, may make one nomination for each office to be filled at the following election, which nomination to be valid, must be certified as hereinafter provided. Every certificate of nomination shall state such facts as are in this act required for its acceptance, and shall be signed by the proper officers of such convention, caucus, meeting, primary election or committee, who shall add to their signatures their places of residence and post-office address, and make oath before an officer qualified to administer the same, that the facts stated in the certificate are true to the best of their knowledge and belief. A certificate of the oath shall be annexed to the certificate of nomination. Such certificate of nomination shall also state the names and address of a committee authorized to represent such political party, and such committee shall have power to fill vacancies which may occur in the list of nominations, unless it be otherwise specially ordered at the time of the selection of such committee and so certified. [89 v .434.]

Substitution of candidate of other party or nominee by petition.

(2966-19). SEC. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to substitute the name of a candidate of another political party for such office, or to substitute the name of a candidate nominated by petition, it being the intent of this act that when the nomination of a candidate of one party is endorsed by another that it shall be done at the time and in the manner provided for original nominations. Provided, further, that if the name of any candidate, except the name of a candidate for the office of member of a school board or board of education, is certified to the state supervisor of elections or deputy state supervisors or board of elections by two or more political parties, or by a petition of electors and a political party or parties, it shall be unlawful to cause the name of any such candidate to be printed in more than one place on the ballot sheet, if said candidate be certified by two or more political parties or petitioners for the same office. When the name of a candidate is certified as above mentioned, such person whose name is so certified shall within three days from the time the certificate of nomination is filed, notify the state supervisor or deputy state supervisors or board of elections, as the case may be, under which political party name or list of petitioners he desires his name to be printed, and the said election officers when so notified shall print the name in that list only. If the said person, except a candidate for member of any school board, or board of education, whose name is so certified by two or more political parties or petitioners fails to notify the state supervisor of elections or the deputy state supervisors or board of elections, as the case may be, in which list of candidates he desires his name to be printed, then the said state supervisor or deputy state supervisors or board of elections shall print the name in the list of party candidates which was first certified to the state supervisor or deputy state supervisors or board of elections, and in that list only. [92 v. 185.]

Printing of name of candidate on ballot when two or more certificates for same office filed.

NOMINATIONS BY PETITION.

(2966-20). SEC. 7. Nominations of candidates for any county, township or municipal office, or members of the board of education may be made by nomination papers, signed in the aggregate for each candidate by not less than three hundred qualified electors of the county, or fifty qualified electors of the city, or twenty-five qualified electors of the township, village or school district, respectively; except in counties containing cities of the first and second grade of the first class, such nomination papers shall be signed by petitioners not less in number than one for every fifty persons who voted at the next preceding general election in such county. Nominations of candidates for other offices may be made by nomination papers, signed for each candidate by qualified electors of the state or the district or division for which such candidates are nominated, not less in number than one for every one hundred persons who voted at the next preceding general election in the state or such district or division. Signers of such nomination papers shall insert in them the names and addresses of such persons as they desire, to the number of five, as a committee, who may fill vacancies caused by death or withdrawal. Such nomination papers shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nominations are therein requested. Each elector signing a nomination paper shall add to his signature his place of residence, and may subscribe to one nomination for each office to be filled, and no more. One of the signers to each such separate paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed. [93 v. 94.]

CERTIFICATES OF NOMINATION—WHAT TO CONTAIN.

(2966-21). SEC. 8. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each (1) the office for which he is nominated; (2) the party or political principle which he represents, expressed in not more than three words; (3) his place of residence, with street and number thereon, if any; provided, however, that in nominations by petition, the certificate may designate, instead of a party or political principle, any name or title which the signers shall select, and candidates nominated by petition, without distinctive appellations, shall be certified as independent candidates. In case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president shall be added to the party or political appellation. [89 v. 435.]

CERTIFICATES OF NOMINATION—WHEN FILED.

(2966-22). SEC. 9. Certificates of nomination and nomination papers of candidates for presidential electors and state offices shall be filed with the secretary of state not less than thirty days previous to the day of the election at which the candidates are to be voted for; certificates of nomination

Nomination of candidates by nomination papers.

Cuyahoga and Hamilton counties.

Signers to name committee to fill vacancies.

Signer pledged to vote for nominee or nominees.

Residence of signers to be stated; can subscribe to but one nomination. Oath by one of the signers.

Contents of certificates of nomination and nomination papers.

Filing of certificates of nomination and nomination papers.

and nomination papers for the nomination of candidates for county offices shall be filed with the deputy state supervisors not less than twenty days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of a district lying within a county shall be filed with the deputy state supervisors of the county; and for offices to be filled by the electors of a district, circuit or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, circuit or subdivision containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twenty-five days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for township or municipal offices, or members of the board of education, shall be filed with the deputy state supervisors not less than fifteen days previous to the election; certificates of nomination and nomination papers for municipal officers and for members of boards of education in municipalities situated in two or more counties shall be filed with the board of deputy state supervisors of the county containing the majority population of said municipality not less than fifteen days previous to the election; provided, that in cities where the votes are registered, the nomination of city officers shall be filed with the city board of elections not less than fifteen days previous to the day of such election. [93 v. 189.]

OBJECTIONS TO CERTIFICATES.

Preservation and inspection of certificates of nomination and nomination papers; objections to their validity; consideration and decision of such objections, or other questions.

(2966-23). SEC. 10. Certificates of nomination and nomination papers, when filed, shall be preserved and be open, under proper regulation, to public inspection; the certificates of nomination and nomination papers being so filed, if in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing, within five days after the filing thereof. Such objections, or other questions arising in the course of the nomination of candidates for state offices and presidential electors shall be considered by the secretary of state, and his decision shall be final. Such objections or other questions arising in the course of nominations of candidates for county offices or offices of a district lying within a county shall be considered by the deputy state supervisors of the county, and objections or questions arising in the course of nomination of candidates for district or circuit offices or offices in a subdivision of a district shall be considered by the chief deputy state supervisors and clerks of said election boards of the several counties comprising the district, circuit or subdivision, and their decision shall be final; but in case no decision can be arrived at, the matter in controversy shall be submitted to the state supervisor of elections, who shall summarily decide the question thus submitted to him, and his decision shall be final. Objections and questions arising in the course of nominations for township or municipal offices, or members of the board of education, shall be considered by the deputy state supervisors, except that in cities having registration, all such objections shall be considered by the board of elections of

such cities; the decision of such deputy state supervisors or board of elections shall be final, and in case of disagreement the matter shall be referred to the state supervisor of elections and his decision shall be final; but in municipalities within the terms of this act which are situate in two or more counties, the objection or question may be submitted by the clerk or board thereof directly to the state supervisor. In case an objection is made, or question arises, notice shall forthwith be mailed to the candidates affected thereby, and to any party committee especial interested. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination and those nominated by petition or nomination papers; and any party or political designation certified by petitioners in nomination papers may be rejected if, from similarity to the name of any existing party, as defined in section 7, such officers shall deem it likely to mislead or confuse voters. [90 v. 269.]

VACANCIES—HOW FILLED.

(2966-24). SEC. 11. Should any person so nominated die, withdraw, or decline the nomination, or should any certificate of nomination be insufficient or imperfect, the vacancy thus occasioned may be filled or the defect corrected in the manner required for original nominations, but must be certified to the secretary of state twenty days, or to the deputy state supervisors at least fifteen days previous to the election day. If, when the original nomination was certified, there was certified a committee authorized to represent the party as before provided, it may fill such vacancy. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which nominated, the name of the person for whom the nominee is to be substituted, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination, and shall, upon being filed with the secretary of state at least twenty days, or with the deputy state supervisors fifteen days before election, have the same force and effect as an original certificate of nomination. A vacancy occurring after the printing of the ballots may be filled by filing the proper certificate with the secretary of state at least ten days, and with the deputy state supervisors at least five days prior to the election, and the name, office and party of the candidate so nominated shall be printed on adhesive slips or pasters, by the deputy state supervisors, which shall be delivered to the judges in each precinct before the opening of the polls, and pasted by them in the proper place on the ballot, before the same is handed the elector. [90 v. 279.]

Manner of filling vacancy on ticket, or correcting defect in certificate of nomination.

(2966-24a). SEC. 1. When a political party in its nominating convention fails to appoint a committee for the purpose of filling vacancies on the party ticket, the power to

Authority of county executive committee to fill vacancy on ticket.

fill such vacancies shall be and hereby is vested in the county executive committee of said political party. [93 v. 224.]

DEVICE ON TICKET.

Device to designate party candidates.

(2966-25). SEC. 12. If a certificate of nomination of any state convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the state, such figure or device shall be so used until changed by request of a subsequent state convention of the same party. Such devise may be the figure of a star, an eagle, a rooster, a flower, a plow, or some such appropriate symbol, but the coat of arms or seal of the state or United States, the national flag, or any other emblem common to the people at large, shall not be used as such device. [89 v. 437.]

TRANSMISSION OF CERTIFICATES OF NOMINATIONS.

Transmission of certified copies of certificates of nomination.

Municipalities having registration.

(2966-26). SEC. 13. Immediately upon the expiration of the time within which certificates of nominations may be filed with him, the secretary of state shall certify copies of all the nominations so filed to the several deputy state supervisors; and the chief deputy state supervisor of the district, circuit or subdivision with whom the certificate of district, circuit or subdivision nominations has been filed, shall immediately certify the same to the deputy state supervisors in all the other counties in such district, circuit or subdivision. In municipalities having registration it shall be the duty of the city board of elections to immediately certify to the deputy state supervisors copies of all certificates that have been filed with said board. [93 v. 190.]

EXPENSES—HOW DEFRAYED.

How expenses of election defrayed.

(2966-27). SEC. 14. All expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks, and all other proper and necessary expenses of any general or special election, including compensation of precinct election officers, shall be paid out of the county treasury as other county expenses; but, except in the case of November elections, shall be a charge against the township, city, village or political division in which such election was held, and the amount so paid by the county as above provided, shall be retained by the county auditor from the funds due to such township, city, village or political division, at the time of making the semi-annual distribution of taxes; the county commissioners, township trustees, councils, boards of education or other authorities authorized to levy taxes, shall make the necessary levy to meet such expenses, which levy may be in addition to other levies authorized or required by law; the amount of all such expenses shall be ascertained and appor-

tioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In the case of municipalities situated in two or more counties, the proportion of expense charged to each of the counties shall be ascertained and apportioned by the clerk of the corporation and certified by him to the several county auditors. [91 v. 242.]

PRINTING AND DISPOSITION OF BALLOTS.

(2966-28). SEC. 15. The printing provided for in this act, except poll-books and tally-sheets, shall be let by the deputy state supervisors or board of elections, to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county, but in case of special elections in townships, villages, and cities of the fourth grade of the second class, the deputy state supervisors or board of elections may give notice by mail addressed to all the printing offices within the county, instead of publishing said notice. After the letting of the contract for the printing of the ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing thereon, a printed proof of the ballot to be printed for use at the election; the person to whom the contract for printing the tickets is let, shall, in the presence of the deputy state supervisors or board of elections, seal up securely in packages, one for each precinct in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such time as they may direct; provided, that in municipalities situated in two or more counties, the city clerk shall provide for the printing and distribution of the ballots. In election precincts composed of a township or a part thereof, and a municipality or a part thereof, or in precincts composed of two or more townships or parts thereof, and a municipality or a part thereof, there shall be provided for all April and special elections, separate ballots, for each township, village, or city portion of such precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in the respective portions comprising such precinct, and likewise there shall be provided ballots for each school district portion of such precinct which shall contain the names of the candidates for members of the board of education for which electors residing in such precinct are entitled to vote. This last provision shall apply only where the school district is not coextensive with the boundaries of the municipality. [91 v. 291.]

(2966-29). SEC. 15a. Each proposal for printing, as provided for in the preceding section, must be accompanied by a bond, executed in due form by the bidder, with at least

Contracts for printing.

Submission of proof of ballot.

Sealing and delivery of ballots.

Ballots for April and other special elections in certain precincts.

Bond of bidder for printing.

two good and sufficient sureties, satisfactory to the board of deputy state supervisors, in a sum double the amount of his bid, conditioned for a faithful performance, pursuant to contract, of such printing as may be awarded to him; and for the payment as liquidated damages by such bidder to the board of deputy state supervisors of any excess of cost over the bid or bids of such bidder which the board of deputy state supervisors may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; the bond to be null and void if no contract is awarded to him. No bid unaccompanied by such bond shall be entertained by the board of deputy state supervisors. [91 v. 116.]

DELIVERY OF BALLOTS, POLL-BOOKS, ETC.

Delivery of ballots and other supplies required in conduct of elections.

Cities first and second class.

Delivery of ballots in Cincinnati.

Delivery of supplies when judge summoned fails to appear.

Replacing of supplies lost or destroyed.

(2966-30). SEC. 16. Not less than three days before an election the deputy state supervisors or city clerk, in municipalities situated in two or more counties, shall summons the presiding judge of election in each precinct in such county or municipality, as the case may be, to appear forthwith and receive the necessary blanks, poll-books, tally-sheets, certificates, cards of instruction and ballots for such precinct, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before the time for the opening of the polls therein; provided, however, that in cities of the first and second class, when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election pursuant to section 2926n of the Revised Statutes, or on the Saturday evening preceding any April election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the city board of elections for such packages, and in such cities the deputy state supervisors, when required to print the ballots, shall deliver the poll-books, tally-sheets, cards of instruction and other supplies herein mentioned to the board of election of such city instead of the presiding judges; and provided further, that in any city of the first grade of the first class, the board of elections may, by resolution, provide for the delivery of ballots through the agency of the police force of such city; and provided further, if the judge summoned to receive and deliver the ballots and other books and papers does not appear, the deputy state supervisor, or city clerk or board of elections shall send the ballots, books and other required papers to the election officers of the precinct so as to be received by them in time for the election. [92 v. 147.]

BALLOTS LOST, ETC., HOW REPLACED.

(2966-31). SEC. 17. If, by any accident or casualty, the ballots or other required papers delivered to any judge of elections or other messenger shall be lost or destroyed, it shall be the duty of such person charged with the custody thereof to report the loss at once to the deputy state supervisors or

city board of elections, from whom the same were obtained, and make affidavit of the circumstances of the loss, whereupon the deputy state supervisors or board of elections shall once resupply such person; in case such person fail or refuse to report and make proof of the loss, any qualified elector may do so, and thereupon a new supply shall be sent by special messenger, as provided in other cases.

At the opening of the polls in each precinct, the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding officer. The cards of instruction shall immediately be placed in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and in such other places as the election officers may select.

In case no ballots shall have been delivered at any polling place before the opening of the polls, or if extra ballots shall, at any time during the time the polls remain open, be required, it shall be the duty of the deputy state supervisors, city clerk or board of elections, upon a requisition, in writing, signed by a majority of the election judges of such precinct, wherein the reason for demanding such ballots shall be set out, to secure the same as speedily as possible, and, if necessary, extra ballots may be printed for this purpose; provided, however, that such ballots shall conform, as nearly as possible, to the original ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots; and if, from any cause, neither the official ballots nor ballots otherwise prepared as above prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots may be used, so that no elector, for lack of a ballot, shall be deprived of his franchise. [90 v. 273.]

FORM OF BALLOTS.

(2966-32). SEC. 18. Every ballot intended for the use of electors, printed in accordance with the provisions of this act, shall contain the names of all the candidates whose nominations for any offices specified in the ballot have been duly made, and not withdrawn in accordance herewith arranged in tickets or lists under the respective party or political or other designation certified. In elections for presidential electors, the names of the candidates for president and vice-president shall be placed on the ticket by the secretary of state immediately following the name of the party and preceding the names of the presidential electors.

The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. [The] tickets or lists of candidates of the various parties shall be printed in parallel columns, headed by the chosen devices upon a shaded background, and the party names or other designation, in such order as the secretary of state may direct, precedence, however, being given to the party which

Opening of packages.

Where cards of instruction to be placed.

Extra ballots.

When unofficial ballots may be used.

Contents of ballot.

Arrangement of tickets or lists of candidates.

polled the highest number of votes for the head of the ticket in the next preceding general election, and so on. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

Constitutional amendment or other question.

Whenever the approval of a constitutional amendment or other question is to be submitted to a vote of the people, such question shall be printed on a separate ballot and deposited in a separate ballot-box to be presided over by the same judges and clerks.*

Form of ballot.

The ballot shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a large blank circular space three quarters of an inch in diameter below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon; and by a cross mark in a blank inclosed space on the left and before the name of each candidate, his choice of particular candidates.

Indorsement

On the back shall be printed, "official ballot," the date of the election, and facsimile of the signature of the officer or officers who have caused the ballots to be printed.

Printing, perforation, binding and designation of ballots

The ballots shall be printed on the same leaf with a double stub, and separated therefrom by a perforated line, and shall be bound with the stub attached thereto, into books, or blocks, one for each voting precinct, which book or block shall contain at least twice as many ballots as there were votes cast at such precinct at the preceding general election; upon the covers of such books or blocks shall be printed the designation of the precinct for which the ballots have been prepared.

Main stub

The main stub shall be printed as follows: Consecutive number—[after these words the consecutive number shall be printed, beginning with one and increasing in regular numerical order]; provided, however, that the county clerk may direct that such consecutive numbers shall not be printed, but shall be written by the ballot officer before delivering the ballot to the elector.

Name of voter—[after these words the clerk shall write the voter's name].

Residence—[after this word the clerk, in cities where registration is required, is to write the voter's residence].

*See page 82.

[Main stub.]

Consecutive number

Name of voter.....

Residence

[Secondary stub.]

Name or registered number of voter.....

Device.	Device.	Device.
Republican Ticket.	Democratic Ticket.	Prohibition Ticket.
For Governor, Name. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	For Governor, Name. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	For Governor, Name. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Secondary stub.

The secondary stub shall be printed as follows: Name of voter or registered number—[after these words the clerk, in precincts where the registration law is in force, shall write the registered number of the voter, and in other precincts the voter's name].

General provisions relating to printing of ballots.

All ballots shall be printed on the best quality No. 2 book paper, in black ink, and with the exception of the heading which shall be in display, in brevier type, the name or designation of the office in lower case, and the name of the candidate therefor in capital letters, with a space of at least one-fifth of an inch following each name; the name of each candidate shall be printed in a space defined by ruled lines, and with a blank square on its left inclosed by heavy dark line; if, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left. The heading of each party ticket including the name of the party, the device above and the large circle between the device and such name, shall be separated from the rest of the ticket by a heavy line, and the circle above the name of the party in which the voter is to place the cross mark, if he desire to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following words printed in heavy-face nonpareil type: "For a straight ticket mark within this circle."

Separation of party tickets and borders.

Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border or a broad solid line at least one-eighth of an inch wide, and the edges of the ballot on either side trimmed off up to the border or solid line described. [89 v. 440.]

BOOTH, GUARD-RAILS, ETC.

Voting shelves and guard-rails; arrangement of.

(2966-33). SEC. 19. The deputy state supervisors shall provide a sufficient number of voting shelves at which electors may conveniently mark their ballots, so that in the marking thereof they shall be protected from the observation of others by cloth screens or other device, extending from the top of the booth to a level with or below the voting shelf, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangements shall be such that neither the ballot-boxes nor the voting booths shall be hidden from view of those outside the said rail. The number of such voting shelves shall not be less than one for every seventy-five electors qualified to vote at such polling-place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be provided with

Arrangement of ballot-boxes and voting booths.

Number of shelves required.

Who permitted within rail.

Supplies for marking ballots.

proper supplies and conveniences for marking the ballot. After each election the judges of elections shall see that the booths, guard-rails and other equipments are returned to the clerk of the township or corporation in which the precinct is situated, for safe keeping, and it shall be the duty of such clerk to have such booths and equipments on hand and in place at the polling place in each precinct before the time for opening the polls on election day, and for this service the deputy state supervisors may allow the necessary expense incurred; provided, that where a board of elections is established by law, this duty shall devolve on such board. [93 v. 208.]

CHALLENGERS—OATH.

(2966-34). SEC. 20. Two challengers may be appointed by the precinct committeeman of each political party having candidates to be voted for at such election, who shall be admitted to the polling place for the purpose of challenging electors in such precincts where the voters are not registered, and they may keep tally of the electors voting; the challengers shall serve without compensation from the county, city, village or township, and shall take the following oath, to be administered by one of the judges of election:

You do solemnly swear (or affirm) that you will support the constitution of the United States and of this state; that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as elector, and that you will not disclose or communicate to any person how any elector has voted at such election.

Any voter may be challenged by any challenger, judge or clerk of the election, and, if challenged, shall establish his right to vote as now provided by law. Any elector of the precinct may notify the judges of election, in writing, that he challenges the right of any person or persons to vote, giving the reasons, and such person or persons shall be deemed challenged as above. [89 v. 444.]

BALLOT—HOW PREPARED.

(2966-35). SEC. 21. Any person desiring to vote and legally entitled to vote at such election shall give his name, and in precincts where the registration law is in force his residence to the election officer holding the ballots, who shall write the same upon the main stub of the ticket in the blank space provided therefor. Such officer shall then mark upon the secondary stub the elector's registered number in all precincts in which a registration law is in force, and in all other precincts the elector's full name.

One of the election officers shall then detach the ballot, with the secondary stub attached, from the main stub, fold the same, and shall hand it to the elector, and the elector shall be allowed to enter the place inclosed by the guard-rail. The officer shall give him one, and only one ballot.

Return of
booths, guard-
rails, etc.

Placing of such
equipments for
elections.

Appointment
and privileges
of party chal-
lengers.

Oath of chal-
lengers.

Challenges.

Entry of name,
residence and
registered num-
ber of elector
upon stubs of
ballot.

Delivery of bal-
lot to elector

General provisions relating to preparation of ballot.

On receipt of his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves, and without undue delay unfold and mark his ballot as hereafter described. No elector shall be allowed to occupy a voting shelf already occupied by another, or to occupy a voting shelf for more than five minutes, in case all the shelves are in use and electors waiting to occupy the same, or to speak to or to converse with any one, except as herein provided while within the guard-rail. All marks upon the ballot must be made by black lead pencil. If an elector soil or deface a ballot so that it can not be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so soiled or defaced, which shall be immediately destroyed; provided, if an elector who has defaced three ballots, shall satisfy the judges that the same were defaced by accident or honest mistake, and not for any fraudulent purpose, the judges shall deliver him another ballot and help him mark the same.

Rules for marking:

For a straight ticket.

For a mixed ticket.

When two or more persons are to be elected to same office.

The elector shall observe the following rules in marking his ballot:

1. If the elector desire to vote a straight ticket, or in other words for each and every candidate of one party for whatever office nominated, he shall, either,

(a) Make a cross mark in the circular space below the device and above the name of the party at the head of the ticket; or,

(b) Make a cross mark on the left of and opposite the name of each and every candidate of such party in the blank space provided therefor.

2. If the elector desire to vote a mixed ticket, or in other words, for candidates of different parties, he shall, either,

(a) Omit making a cross mark in the circular space above the name of any party, and make a cross mark in the blank space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or,

(b) Make a cross mark in the circular space above the name of a party, some of whose candidates he desires to vote for, and then make a cross mark before the name of any candidate of any other party for whom he may desire to vote; in which case, the cross mark in the circular space above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross marks before the names of such candidates will cast the elector's vote for them; provided, that where two or more persons for the same office are to be voted for in any precinct, as two or more representatives or other officers, and the names of several candidates therefor appear on each party ticket grouped under the office for which all are running, the elector who has marked a ticket in the circular space at its head, and marked one or more of a group of candidates for such office on another ticket or tickets, must in addition to marking the ticket in the circular space at its head, also make a cross mark before each one of the

group .. candidates for such office for whom he desires to vote on the ticket thus marked; or instead of marking the candidates for such office he desires to vote for on the ticket marked by him, he may erase the names of candidates for such office whom he does not desire to vote for on the ticket thus marked by him to the number of candidates for such office marked by him on other party tickets, in which case his vote shall be counted for the candidates for such office not erased; and provided further, if an elector who has thus marked a party ticket in the circular space at the head thereof and marked one or more candidates on another ticket or tickets for an office for which there are more than one candidate on his own party ticket, fail or neglect to indicate either by individual marks or by erasures, as aforesaid, which of the several candidates for the same office on his own party ticket he desires to vote for, then and in such event, the vote shall be counted only for the candidate or candidates for that office that have the distinguishing mark before his or their names.

If, in marking either a straight or a mixed ticket as above defined, a cross mark is made in the circular space above the name of a party at the head of the ticket, and also one or more cross marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the names of candidates on the ticket so marked, shall be treated as surplusage and ignored, and the ballot be counted for all the candidates on the ticket thus marked for offices for which no candidates on other tickets are marked; but this provision is subject to the exception in the proviso in the last paragraph, where two or more persons for the same office are grouped on party tickets.

In the case of a question submitted, the elector shall make a cross mark in the blank space on the left of and before the answer which he desires to give.

If the elector desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it in black lead pencil or black ink in the proper place, and making a cross mark in the blank space at the left of the name so written.

If the elector mark more names than there are persons to be elected to an office, or if for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office.

No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice [89 v. 444.]

(2966-36). SEC. 21a. If there should be no nomination for a particular office by any political party, or if by inadvertence, or otherwise, the name of a candidate regularly nominated by such party should be omitted from the ballot, and the elector desires to vote for some one to fill such office, he may do so by writing the name of the person for whom he desires to vote in the space underneath the heading or desig-

Surplus marks.

Submission of question.

Substitution of name of person not on ticket.

When ballot not to be counted for certain office.

Disregard of technicalities.

Substitution when no nomination made or name of nominee omitted, marking of ballot in such case

nation of such office and make a cross mark in the circle at the head of the ticket, in which case the ballot shall be counted for the entire ticket as though the name substituted had been originally printed thereon. [91 v. 119.]

BALLOTS—HOW CAST.

Folding of
ballot.

Receipt of bal-
lot; disposition
of secondary
stubs; regula-
tion as to mark-
ing and voting.

Who permitted
to re-enter en-
closed place;
number of elect-
ors permitted
within rail at
one time.

Return of un-
voted ballots.

Assistance of
judges in mark-
ing ballot.

Ballots permit-
ted to be de-
posited and
counted.

Appointment
and privileges
of party inspec-
tors.

(2966-37). SEC. 22. Before leaving the voting shelf the elector shall fold his ballot without displaying the marks thereon, and so as to conceal the same, but show the indorsements and facsimile of the signatures of the proper clerk or board, and keep the same so folded until he has delivered the ballot to the presiding officer.

One of the election officers shall receive the ballot, detach the secondary stub bearing the elector's registered number or name, and examine such stub for the purpose of identification, and deposit the ballot in the ballot-box; the secondary stubs shall be preserved until the polls are closed and shall then be destroyed before the ballot-box is opened; the elector shall mark and vote his ballot without undue delay, and shall leave said inclosed place as soon as he has voted.

No elector, not an election officer, shall be allowed to reenter said enclosed place during said election except for the purpose of voting. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of election to secure the observance of the provisions of this section.

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer.

Any elector who declares to the presiding judge of election that he is unable to mark his ballot by reason of blindness, paralysis, extreme old age or other physical infirmity, and such physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot properly, may, upon request, receive the assistance in the marking thereof of two of the judges of election, belonging to different political parties, and they shall thereafter give no information in regard to the matter. But such assistance shall not be rendered for any other cause which the voter may specify, and the presiding judge may require such declaration of disability to be made by the elector under oath before him.

No ballot without the official endorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. [92 v. 148.]

POLLS CLOSED—UNUSED BALLOTS DE- STROYED.

(2966-38). SEC. 23. The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present as inspector and

witness and inspect the counting of the votes in each precinct, and who shall be admitted to said voting place, and who shall be entitled to a copy of the certificates provided for in this act, but no other person except the election officers shall be admitted to said polling place before or after the count begins. Immediately upon the close of the polls, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the president or chairman of the board shall make proclamation in a loud voice outside of the polling room, stating the number of voters so shown and certified on the poll-books. Thereupon, the judges shall, in the presence of the clerks and inspectors above provided for, destroy the ballots remaining unvoted. [89 v. 447.]

CANVASS OF VOTES.

(2966-39). SEC. 24. The ballot-boxes shall then be opened and the ballots therein shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in his hands, the name or names voted for thereon, except that a straight ticket may be announced as such and be so counted, and then delivered to the second judge, who shall examine the same and pass it to the third judge, and so on to the fourth, who shall preserve it; and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until the number taken out of the ballotbox is equal to the number of names in the pollbooks. The clerks shall enter in separate columns opposite the names of the persons voted for, as provided in the form of tally-sheets, all the votes thus read by the judges. After the examination of the ballots has been completed the number of votes for each person shall be enumerated under the inspection of the judges, and set down as provided in the form of the tally-sheets; when the result of the ballot is ascertained it shall immediately be announced by one of the judges in front of the polling place, and a copy thereof certified by the judges and clerks posted on the front of the polling place, and a certified copy thereof given to the persons hereinafter designated as being entitled to be present at the counting of the votes. When all these requirements are complied with the judges shall, in the presence of the clerks and the inspectors, destroy by burning the ballots so read and counted, and also any ballots remaining in the box in excess of the number of names in the poll-book; provided, however, if there are any ballots cast and counted or left uncounted concerning the legality of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the deputy state supervisors with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom. [90 v. 275]

Who admitted to polling place.

Certificate and proclamation of votes cast.

Destruction of unvoted ballots.

Manner of canvassing, entering and enumerating votes.

Announcement of result, and certified copies thereof.

Destruction of ballots counted and excess ballots.

Preservation of disputed ballots.

Making, transmission and preservation of returns, tally-sheets and poll-books.

Cities of the first class and first grade of the second class.

Period during which judges and clerks shall not separate or leave polling place under penalty.

Penalty for offenses pertaining to printing or use of ballots.

Penalty for offenses pertaining to custody or delivery of ballots, blanks, poll-books, cards of instruction, etc.

(2966-40). SEC. 25. After canvassing the votes the judges and clerks shall make out the returns of the election and the tally-sheets therof in duplicate, signed and certified as required by law; one copy thereof shall be immediately transmitted to the deputy state supervisors by the presiding judge or such other judge as he may designate; the other poll-book and tally-sheet shall be forthwith deposited with the clerk of the township or the clerk of the municipal corporation, as the case may require, by another judge designated by the presiding judge, to be preserved one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in cities of the first class and first grade of the second class, such delivery shall be made as now provided by law. From the time the ballot-box is opened and the count of votes begun, until the votes are counted and the returns made out, signed and certified as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precincts shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars. [93 v. 366.]

PRINTING FALSE BALLOT.

(2966-41). SEC. 26. Any printer employed to print the official ballots, or any person engaged in printing the same, who shall print or cause or permit to be printed, any official ballots printed otherwise than according to the copy for the same furnished him by the said clerk or board of elections, or any false or fraudulent ballots, or who appropriates to himself or gives or delivers or knowingly permits to be taken any of said ballots by any other person than the said clerk or board, or who knowingly and wilfully seals up or causes or permits to be sealed up or delivers to the said clerk or board, a less number of ballots than the number indorsed thereon; and any person who shall knowingly have in his possession any official ballot illegally obtained, or shall knowingly attempt to vote any other than an official ballot lawfully obtained, shall be deemed guilty of a misdemeanor, and be fined not less than two hundred and fifty nor more than one thousand dollars, or be imprisoned not less than thirty days nor more than six months or both. [89 v. 449.]

(2966-42). SEC. 27. Any judge or clerk of election, or printer or other person entrusted with the custody or delivery of ballots, blanks, poll-books, cards of instruction or other required papers, who shall unlawfully open or permit to be opened, any sealed package containing ballots, or who shall give or deliver to any person not lawfully entitled thereto, or shall unlawfully misplace or carry away, or shall negligently lose, or permit to be taken from him, or fail to deliver, or shall, except as in this act provided, destroy any

such package of ballots, or any ballot, blank, poll-book, card of instruction, or other required paper, shall be fined not less than one hundred dollars, nor more than one thousand dollars, or imprisoned in jail not more than one year, or both. [89 v. 449.]

DESTROYING, DEFACING BALLOTS, ETC.

(2966-43). SEC. 28. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination papers, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act, or file any certificate of nomination, or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot; or shall wilfully deface, tear down, remove or destroy any card of instructions or specimen ballot printed and posted for the instruction of voters, or during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully destroy or deface any ballot, or shall take or remove or be found in the possession of any ballot outside of the inclosure provided for voting before the close of the polls, or shall wilfully hinder or delay the delivery of any ballots, or shall wilfully hinder or delay the voting of others, shall be punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, or imprisonment in jail not more than one year, or by both fine and imprisonment. [89 v. 449.]

Penalty for offenses pertaining to certificates of nomination, nomination papers, letters of withdrawal, ballots, cards of instruction, supplies for marking ballots, delaying voters, etc.

MISLEADING VOTER—PENALTY.

(2966-44). SEC. 29. Any judge or clerk who shall mislead an illiterate voter or a voter who is blind or for any reason unable to prepare his ballot, or who shall prepare a ballot for such voter otherwise than as directed by him, or who shall disclose to any person, except when legally required to do so, how such voter directed his ballot to be prepared, or how he voted, shall be fined not less than one hundred nor more than one thousand dollars, and imprisoned in the jail not less than three nor more than twelve months. [89 v. 450.]

Penalty for misleading voter, or disclosing how he voted.

PENALTY — EXPOSING BALLOT, DECEIVING ELECTOR, ETC.

(2966-45). SEC. 30. Any elector who shall, except as otherwise herein provided, allow his ballot to be seen by any person, with an apparent intention of letting it be known how he is about to vote, or shall purposely mark his ballot so it may be identified after it has been cast, or who shall make a false statement as to his inability to mark his ballot, or any election officer who shall deceive any elector in marking his ballot, or mark the same in any way than as requested by such elector, under the provisions of this act, or any

Penalty for offenses pertaining to marking of ballots, voting etc.

person who shall interfere, or attempt to interfere, with any elector when inside said inclosed place, or when marking his ballot, or shall attempt to speak or converse with any person while within the guard-rail, except as herein provided, or who shall endeavor to induce any elector, after voting, to show how he has marked his ballot, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the jail not more than six months, or by both such fine and imprisonment. [89 v. 450.]

PENALTY FOR NEGLECT OF DUTY.

Penalty for violation, neglect, or wrong performance of duty, or disobedience, by public officer.

(2966-46). SEC. 31. Any public officer upon whom a duty is imposed by this act who shall wilfully or negligently violate his said duty; or who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, or who shall wilfully disobey any provisions of this act, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in jail not more than one year, or by both such fine and imprisonment. [89 v. 450.]

Prosecution of violations.

(2966-47). SEC. 31a. It shall be the duty of the prosecuting attorney of any county, upon the request of the state supervisor of elections, or at the instance of the deputy state supervisors of the county, to prosecute violations of this act. [91 v. 119.]

GIVING BRIBE.

Penalty for giving bribe.

(2966-48). SEC. 32. Whoever, directly or indirectly by himself or through any other person, either,

1. Gives or lends, or offers or promises to give or lend, or to procure or endeavor to procure, any money or other valuable consideration, to or for any elector, or to or for any other person, to induce any elector to register or refrain from registering for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or question or proposition, or on account of any such elector having registered or refrained from registering, or voted or refrained from voting, or voted or refrained from voting for any particular person or persons, or question or proposition; or,

2. Gives, offers or procures or promises to procure, or endeavors to procure, any office, place or employment, to or for any elector or to or for any other person, in order to induce any elector to register, or refrain from registering, for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or questions or proposition; or,

3. Advances or pays, or causes to be paid any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election, shall be fined not more than five hundred dollars, or imprisoned in the penitentiary not more than three years, or both. [89 v. 451.]

RECEIVING BRIBE.

(2966-49). SEC. 33. Whoever, being an elector, directly or indirectly, by himself or through any other person, receives, agrees or contracts for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place or employment, for himself or any other person, for registering or agreeing to register, or for refraining or agreeing to refrain from registering for any election, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, or proposition or question, at any election, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. [89 v. 451.]

Penalty for receiving bribe.

INTIMIDATING VOTER.

(2966-50). SEC. 34. Whoever, directly or indirectly, by himself or through any other person, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens to inflict, any injury, damage, harm or loss, or threatens to enforce the payment of a debt against, or to begin a criminal prosecution against, or to injure the business or trade of, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or to vote or refrain from voting for any particular candidate or candidates; or if any employer of laborers, or an agent of such employer, whether a corporation or otherwise, does any of the acts aforesaid, or threatens to withhold or reduce the wages of, or to dismiss from service any employe, in order to induce or to compel such employe to vote or refrain from voting for any particular candidate or candidates at any election; and whoever by any sort of duress, constraint or improper influence, or by any fraudulent or improper device or contrivance, impedes or prevents, or otherwise interferes with the free exercise of the elective franchise of any elector, shall be fined not more than two thousand dollars or imprisoned in the penitentiary not more than three years, or both. [89 v. 452.]

Penalty for intimidating voter, or impeding or preventing free exercise of elective franchise.

(2966-50) SEC. 34a. Any person entitled to vote at a general election in this state shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty; provided, however, that application for leave of absence shall be made prior to the day of the election; the employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject the employe to a penalty because of the exercise of such privilege; or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars. [94 v. 232.]

Voter may absent himself from employment to enable him to vote.

Penalty for refusing employe privilege to vote or subjecting him to penalty.

OFFENDER COMPELLED TO TESTIFY.

Legislation as to prosecutions under penal sections.

Competent witness in prosecutions for bribery, intimidation, or impeding or preventing free exercise of elective franchise.

Forfeiture of office for giving bribe.

Disfranchisement for receiving bribe

Compensation of judges and clerks of election.

Cities having registration.

Duties of boards of elections in counties containing cities of the first class and first grade of the second class.

Powers and duties of board in counties containing cities of the second class, other than cities of the first grade of the second class.

(2966-51). SEC. 35. Prosecutions under all the penal sections of this act and of the Revised Statutes pertaining to the conduct of elections, must be commenced within six months after the commission of the act complained of. A person offending against any provision of sections 32, 33 and 34 of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or investigation, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not be liable thereafter to indictment, prosecution or punishment, for the offense with reference to which his testimony may be given, and may plead or prove the giving of testimony accordingly, in bar of such indictment or prosecution. When a person is convicted of any offense described in section 32 of this act, he shall, in addition to the punishment therein prescribed, forfeit any office to which he may have been elected at the election with reference to which such offense was committed, and when a person is convicted of any offense mentioned in section 33 of this act, he shall, in addition to the punishment therein prescribed, be excluded from the right of suffrage for a period of five years after such conviction. [89 v. 452.]

COMPENSATION OF JUDGES AND CLERKS.

(2966-52). SEC. 36. The judge of election called by the deputy state supervisors to receive and deliver ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more therefrom. The judge of the election carrying the returns to the deputy state supervisors shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for their services for each election day; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law, except that the chairman elected at the meeting for organization shall receive one dollar for calling for the sealed package of ballots. [92 v. 134.]

DUTIES OF BOARD OF ELECTIONS IN CERTAIN COUNTIES.

(2966-53). SEC. 37. In counties containing cities of the first class, and first grade of the second class, the election precincts of the county outside of the city shall be held and deemed to be an election precinct of the city for the purpose of conducting elections under this act, and the board of elections heretofore provided for such cities by section 2926b of the Revised Statutes, shall, in their respective counties perform the duties imposed upon the deputy state supervisors by this act. In counties containing cities of the second class, other than cities of the first grade of the second class, the boards of elections heretofore provided for such cities, shall have the power and be subject to the duties prescribed in section twenty-nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November election shall, in such counties, be made to the deputy state supervisors as provided by law; and in addition thereto, such boards shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed

in this act. In all counties other than counties containing cities of the first class, and first grade of the second class, in or for which there is or may be established a board of elections, or deputy supervisors of elections or other officer or officers, whose duty [it] is to receive and canvass the returns of the elections in and for such county or counties, and transmit abstracts thereof, such board or deputy supervisors, or other officer or officers shall in their respective counties, in the conduct of elections have all the powers and perform all the duties conferred and imposed by this act and be subject to the provisions, penalties and requirements herein; provided, that in the consideration and decision of the objections and questions arising in the course of a nomination for an officer of a circuit or district composed of more than one county, the chief deputy supervisor or presiding canvassing officer of the county shall act for his associates. Judges and clerks appointed for the several precincts of a county by such boards of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed by this act upon judges and clerks of elections. [93 v. 367.]

Powers and duties of boards, deputy supervisors or other officers in counties other than those containing cities of the first class and first grade of the second class.

When chief deputy or presiding canvassing officer to act for associates.

Judges and clerks appointed by such election officers.

COMMISSION AND CERTIFICATES OF ELECTION.

SEC. 83. Each judge of the supreme court, circuit court, court of common pleas and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law, and not otherwise provided for, shall be ineligible to perform any of the duties pertaining to such office, until he shall receive from the governor a commission to fill such office, upon producing to the proper officer or authority a legal certificate of his being duly elected or appointed; and each of the officers above named, except militia officers and notaries public, who receives for the discharge of his official duties any fee, compensation or salary shall, before he shall be entitled to receive such commission pay to the secretary of state for the making out, recording and forwarding thereof a fee of five dollars, excepting each justice of the peace, who shall pay two dollars; and as soon after any election for any of the offices above named as the result shall have become officially known to them, the city board of elections or the deputy state supervisors of elections of each county in this state shall, upon payment to them by each such officer of the fee above prescribed, immediately forward by mail to the secretary of state a certificate of election of each such office, together with the fee paid to them by such officer, which fee shall be covered into the state treasury for the use of the general revenue fund, and thereupon the governor, upon the filing of such certificate with the secretary of state, accompanied with the fee aforesaid, shall issue the proper commission to such officer and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officer. [92 v. 211.]

Commissions and certificates of election of officers; fees.

REGISTRATION LAWS OF OHIO.

((Applicable to Cincinnati, Cleveland, Columbus, Toledo, Dayton, Youngstown, Springfield, Akron, Canton, Zanesville, Sandusky, Hamilton, Newark, Mansfield, Steubenville, Portsmouth and Chillicothe, cities of a population of not less than nine thousand at the federal census of 1880 [86 v. 289] and to Findlay, to which city the provisions were extended by the enactment of Sec. 2926hh [88 v. 511] and to East Liverpool by 95 v. 85.)

Election precincts.

SEC. 2926. In cities of the first, third and fourth grades in the first class, and in cities of the second class, when six hundred votes or more have been cast at the last preceding election in any ward, or in any precinct in any ward, such ward or election precinct shall be divided by the board of elections hereinafter provided for, into two or more election precincts, so as to limit the number of votes in each ward or precinct to three hundred, as nearly as may be practicable. And from time to time the said board shall rearrange, subdivide or combine precincts thereafter as often as it may deem such action necessary. And in cities of the second grade in the first class, the board of elections thereof may divide, combine or rearrange any ward or election precinct so as to secure the convenience of electors and the prompt and correct conduct of elections. [86 v. 281.]

Registration required of voters.

SEC. 2926a. In cities of the first and second class, no person shall be deemed or held to have acquired a legal residence in any ward or election precinct for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein unless he shall have caused himself to be registered as an elector in such ward or precinct, in the manner and at the time hereinafter required. [86 v. 281.]

Board of elections; how constituted.

Sec. 2926b. In all cities of the first and second class, the board of elections to consist of four electors of such city of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties, shall be appointed by the mayor. Successors to the two members of existing boards of election whose terms shall first expire shall be appointed on the first Tuesday after the second Monday in April after the expiration of the term for which they were appointed, to serve for a term of four years from the date of their appointment, and thereafter, biennially, on the first Tuesday after the second Monday in April, two members of different leading political parties shall be appointed to serve for four years from the date of their appointment. No person shall be appointed or be a member of such board, who holds an office under the United States, the State of Ohio, except notaries public, or of such cities, or the county in which such city is situated, or who is employed in any department of such city or county, or by any officer, of such city or county; and all votes cast at any election for any person who is, or within three months next preceding such election, has been a member of such board, shall be absolutely void. For misconduct or neglect of duty, such mayor may remove any member of such board for sufficient cause upon charges having been preferred in writing, and after a public hearing

Void vote.

Removals.

thereon. And any vacancy which may occur in such board Vacancies.

By the death, resignation, removal or disability of any of its members, shall be filled by appointment by such mayor, for the unexpired term of such vacancy or vacancies, and so that each of the two leading political parties shall always have an equality of representation in the said board, or as near as may be. Provided, that the members and secretary of the boards existing at the time of the passage of this act shall continue in office until the expiration of the term for which they were appointed and until their successors are appointed and qualified, as provided in this act, unless removed for cause as provided by law. A secretary of such board shall be appointed by the members thereof, at the expiration of the term of the secretary now in office, who shall be an elector of such city fully qualified for such place, and who shall serve the same for a term of four years; but he may, for official misconduct, be removed by the board; the board shall appoint his successor for the same term of years, and in case of death, resignation or removal of the secretary shall fill the vacancy for the unexpired part of such term. The secretary shall, subject to the control of the board of elections, keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in any wise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office, or administration of such board of elections; he shall also have the care of the ballot boxes while deposited at the office of such board of elections; and he shall perform all such other or further duties, pertaining to such office and affairs as shall be prescribed by such board.

The board of elections shall have a sufficient and suitable Office of board. office and rooms for the purpose herein required, which shall be in charge of their secretary and shall be kept open daily, except Sundays and legal holidays, in cities of the first and second grades in the first class, and at such time as the board of elections may require in cities of the third and fourth grades in the first class, and first, second, third and fourth grades, in the second class. Each member of the board of elections and the secretary, shall before entering upon the discharge of their office, take and subscribe an oath to support the constitution and laws of the United States, and the State of Ohio, and faithfully discharge the duties of their office, and to make their utmost endeavors to secure fair and honest elections, which oath shall immediately be filed in the office of the city clerk of such city and be preserved by him. [94 v. 202.]

Secretary; his
duties, etc.

Organization of board; its general powers and duties.

Rules and regulations.

Division of precincts.

Assistant secretaries.

Salaries and expenses; how paid.

SEC. 2926c. The members of the board of elections shall meet within ten days after their appointment, at the mayor's office of such cities in section 2926a provided, and organize by electing one of them president by ballot, and they shall also at that time elect a secretary as provided in section 2926b of the Revised Statutes. If they fail to do so within two hours after meeting, the president and secretary shall then be chosen by lot. No order, resolution, or action of such board shall be valid without the vote of three of the four members. Such board shall appoint all registrars of elections, judges and clerks of election and other clerks, officers and agents herein provided for, and designate the ward or precinct in which each shall serve. They shall also appoint the places of registration of electors, and holding elections in each ward or precinct, and hire suitable rooms for such purpose and for their own office, at such rents as they deem just; they shall also provide the necessary and proper furniture and supplies for such rooms, and for the purchase, preservation and repair of all ballot-boxes necessary for use at elections in such city, and all books, blanks and forms necessary for the registrations and elections herein designated, and for duly issuing all notices, advertisements or publications required by law. The board may, from time to time, make and issue all such rules, regulations and instructions, not inconsistent with law, as they shall deem necessary for governing or guiding their secretary and his deputy or assistants, and the registrars of electors and judges, and clerks of elections, or other persons under their control in the proper discharge of their respective offices and duties. They shall divide, define and proclaim the election precincts of such city, authorized in section two thousand nine hundred and twenty-six, and the boundaries thereof, and provide for furnishing to each registrar of electors and judges of elections a map and pertinent description of such division and boundaries, and of any changes which from time to time are made by them. When necessary, in cities of the first and second class, they may employ a deputy and one or more clerks as temporary assistants of their secretary, at a salary not to exceed the rate of one hundred dollars per month, and prescribe their duties. The period for which they are employed must always be fixed in the order authorizing their employment, but they may be discharged sooner, at the pleasure of the board. Such deputy secretary and all such assistants, shall take the oath above described. [87 v. 360.]

SEC. 2926d. The cost and charge of the salaries of members of such board of elections in any such city, and of the secretary and his deputy and assistants, and all necessary expenses of the board for the purposes herein authorized, and the lawful compensation of all registrars of electors, and judges and clerks of elections, appointed by such board, and the necessary cost of the registrars [registers] and poll-books, or other books, blanks, forms, stationery and supplies to be provided by said board of elections for the

purposes herein authorized, and the cost of the rent, furnishing and supplies of all rooms hired by the said board for their offices and as places for the registration of electors and holding of elections, and for the purchase, repairs and preservation of the ballot-boxes, shall be borne and paid, by any such city out of its general fund, upon vouchers of such board certified by its president and secretary, specifying in every voucher the actual services, items of supplies, and prices and rates in detail, which shall be allowed by the city comptroller, or city auditor, and in cities having no such comptroller or auditor, by the city clerk, and upon his warrant paid by the city treasurer of any such city. [86 v, 281.]

SEC. 2926e. On or before the first day of September, annually, the board of elections shall appoint for each and every election precinct, in any such city, two electors of such city to act as registrars of the electors, and also as judges of election in such precinct. And on or before the first day of October, annually, the said board shall appoint two additional judges of elections and two clerks of elections for each and every precinct in any such city. Such registrars, judges and clerks of elections shall each hold their appointment for one year, unless sooner removed by the board of elections, and must be electors of any such city, and able to read and speak the English language understandingly and write it readily and fairly, and each shall take the oath of office hereinbefore prescribed, which may be administered by the secretary or any member of such board, and shall be filed in the office of such board. All persons selected by said board for either of said appointments shall appear before said board at their office after twenty-four hours' notice, either served personally, or left at their usual place of residence for examination as to their qualifications before being appointed; any elector of such city so selected who shall fail to appear before said board as required by law, or any elector of such city so appointed to act as registrar, judge or clerk of elections therein, who shall refuse or neglect to take and subscribe the oath of office, unless excused by said board, or any registrar, who shall, after being duly appointed, fail to be at the place designated for registration in his precinct during the hours set for the registration of electors, or who shall fail to deposit the registers at the office of the board of elections in accordance with the provisions of section 2926i of the Revised Statutes, or who shall fail to post the printed lists as required by section 2926l of the Revised Statutes, or any person who shall wilfully mar, damage or destroy any registers or portion thereof, shall be fined not more than one hundred dollars (\$100.00) nor less than twenty-five dollars (\$25.00), or imprisoned in the county jail not more than fifteen days, or both, in the discretion of the court. Neither the two registrars for any precinct, nor the two clerks of election, shall be of the same political party. Nor shall more than two of the four judges of election for any precinct be of the same political party. Appointments of such officers for every precinct shall be made so as in good faith to secure equal representation of political parties, if prac-

Appointment of
registrars,
judges and
clerks.

Term.

Qualifications.

Oath.

Appearance for
examination.

Failure to
appear.

Refusal or neg-
lect to qualify.

Failure of regis-
trar to perform
duties.

Damage or de-
struction of
registers.

Penalties.

Equal represen-
tation of polit-
ical parties.

Removals and vacancies.

Substituted judges and clerks.

Notice of appointment of substitutes.

Certificates of appointment as registrars, judges and clerks.

Exemption from jury and military duty.

Minute of removal.

Powers and duties of registrars and judges as peace officers.

Preventing violence and disorder, etc.

ticable. Any vacancy in the office of registrar, or of a judge or clerk of elections, shall be filled by said board of elections, and either or any of such officers may be summarily removed from office by such board at any time for neglect of duty, malfeasance or misconduct therein. And in all cases the last appointment to either of such offices for any precinct shall be recognized [as] valid. If any clerk of elections fails to attend at the opening of the polls on the day of any election, or shall, during the election, by any cause become disabled or unfit to act in entering, enumerating or certifying the ballots, the judges of election, or a majority of them, may summarily remove him, and the two judges of the same political party as such clerk shall forthwith appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed; if any judge of election fails to attend at the opening of the polls on the day of election, or for any cause, by decision of the other three judges, shall become disabled or unfit to act in receiving and enumerating the ballots and certifying the result of the election, the other judge of the same political party shall at once appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed. Provided, that notice of such appointment of judge or clerk be immediately sent by the judge making such appointment to the board of elections, and such person so appointed shall not perform any of the duties of his office until the notice has been sent to the board. The person so appointed to act temporarily as judge or clerk shall perform the duties of the office after the sending of said notice, until the board shall confirm said appointment or appoint another for said office. Whoever shall be appointed as registrar, judge or clerk of elections by the board of elections, shall receive from the board a certificate of appointment, which may be revoked at any time by the board; said certificate to be in such form as may be prescribed by the board, and to specify the precinct and ward of the city in and for which the person to whom the same is issued is appointed to serve, the date of appointment, and the expiration of his term of office. Registrars, judges and clerks of election during the time they hold such certificate of appointment, and [as] such officers shall be exempt from the performance of military and jury duty. And immediately upon such a removal of a clerk or judge, and filling the vacancy as above provided for, a brief note of the proceedings shall be entered in the poll-books and subscribed by the judges so acting, and specially stating the cause of such removal. [89 v. 157.]

SEC. 2926f. All registrars and judges of elections, while exercising their office under this or any other law regulating elections, shall have full power and authority, and are hereby required to enforce the peace and good order and obedience to their lawful commands for such ends at and about the places of registration and of holding elections. They shall especially keep the access of electors to the polls open and unobstructed, prevent and suppress all riot, violence, tumult and disorder, and also any and all

improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their free right to vote, or tending to disturb or interfere with the free and peaceful registration of electors, or counting and certifying the result of an election. They shall also protect the clerks of the election and the witnesses and the challengers designated to attend the election as herein provided for, from any violence, interference or molestation during the receiving and enumeration of ballots. And they shall at all hazards be bound to preserve and secure the registers, poll-books, ballot-boxes and ballots at every election from violence, fraud or tampering. To enforce the provisions of this section, the officer or authority having command of the police force of any such city, shall promptly, on the requisition of such board of elections, detail for service at the polling place in any precinct of such city, such force as such board may deem necessary, and on every day of elections shall have a special force in readiness for any emergency. During the receiving and counting of the ballots or registering of electors, no person shall congregate or loiter within one hundred feet of the polling place of any election or place of registration of electors, or in any manner hinder or delay any elector in reaching or leaving the place fixed for registration or casting his ballot, or within such distance of one hundred feet to give or tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any way attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of elections may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election, or any of them, or any registrar, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting or registering if he is entitled to so do. The sheriff and all constables, policemen, and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any person wilfully refusing or neglecting to perform any of the duties by this section prescribed, shall be fined not less than twenty dollars nor more than one thousand dollars, or imprisoned in the county jail not less than thirty days nor more than one year, or both. [83 v. 213.]

SEC. 2926g. On or before the first day of September annually, the secretary, under the direction of the board of elections shall, in any city of the second class, in which registration is required, as provided in section 2926, prepare and furnish to the registrars so appointed for each precinct in any such city, duplicate lists of all electors so registered in such precinct at the last general registration, together with such new and additional ones as may have registered at any election subsequent to the such general registration, with sufficient blank space for new electors to be registered therein, excepting that every fourth year, when a general

Guarding registration and count.

Protecting challengers and clerks.

Securing poll-books, ballots, etc.

Duty of police.

Loitering near polls.

Hindering electors.

Soliciting votes, etc.

Power to require aid.

To order arrests.

Who shall obey and aid them.

Penalty for refusal.

Duplicate lists of electors to be furnished registrars.

Exceptions.

Registers of
electors.

registration is required, as provided in section 2926*h*. And the board shall, on or before the first day of September annually, in cities of the first class, in which yearly registration is required, procure and have at their office, duplicate books for each and every election precinct, in any such city for the registration of electors therein, and which shall be styled and known as "registers of electors". Each register shall contain space and ruled lines for at least seven hundred names, and be arranged and ruled in parallel columns, with printed headings, in the following order: Number (consecutively), full name, age, term of residence, nativity, how long resident in precinct, in state, when naturalized, court, married or single, date of registration, sworn, signature, remarks; and the rulings and headings of each page of the register shall be according to the following diagram enlarged:

And it shall be the duty of the registrars of each and every precinct in any such city to apply, on Wednesday in the fourth week before the November election, annually, for the lists and registers aforesaid, and the map of their precinct, and such printed instructions for the discharge of their duties as may be lawfully prescribed by such board.
[87 v. 361.]

Days for registration.

When secretary to act as registering officer.

Registration by secretary of persons who will be necessarily absent during registration.

Application for registration by mail to secretary.

Affidavits.

SEC. 2926h. The days for the general registration of electors in cities of the second class, and for the additional yearly registration of new electors herein required in such cities, and also the yearly registration herein required in cities of the first class, and also the yearly registration herein required in cities of the first grade of the second class, in the several precincts in every such city, shall be Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above prescribed for the general registration, and no longer, the secretary of the board of elections shall act as registering officer in the following cases only: Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such secretary, at the office of such board, and on making and subscribing an oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the secretary, if satisfied, shall thereupon file such affidavit and make registration of such person in the registers of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in foreign country, before any minister, consul or vice-counsellor of the United States, and make and subscribe an affidavit to his residence, specifying in what precinct and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars in such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the registry of electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to the "secretary of the board of elections" of such city, the same, if received by such secretary between the days above appointed for his acting as registrar, shall entitle such applicant to be entered by the secretary in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the secretary unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proven so to be by a creditable person known to him, and whose name and full address must be stated in

such certificate. Any such affidavit of an absent elector, which shall be received by such secretary on or after the first of the days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed, and shall preserve such affidavit; provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the secretary or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered into the register opposite his name, and in the column for "remarks," and such affidavit and envelope transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the secretary of the board of elections, shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words, "close of registration by the secretary," and shall thereunto subscribe his name and office. A general registration of all electors of all cities of the second class, except cities of the first grade of the second class, as provided in section 2926a, shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; but in cities of the first grade of the second class there shall be had such general registration of all electors of such cities annually, at the times and upon the days prior to each general election herein above specified, and there shall also be a general registration of all the electors of such cities of the first grade of the second class on the fifteenth, twenty-second, twenty-third and twenty-fourth days of March, one thousand eight hundred and ninety-four, and during the hours provided by law for the regular annual registration; provided, however, that the printed lists of the electors who shall register at such special general registration on said days of March, one thousand eight hundred and ninety-four, shall be dispensed with, and that in regard to April or other public elections, other than state, that shall be held in said cities of the first grade of the second class subsequent to the April election of the year one thousand eight hundred and ninety-four, said cities of the first grade of the second class shall be governed by the subsequent provisions of this section, as far as the same are applicable; and at all other state, April or any other public elections, those electors who have been duly registered at such general registration as herein provided, and have not removed from the precinct in which they then registered at said general registration in any such city, shall not be required to register; but at such state, April or any other public elections, at the times hereinbefore provided for registration days, only those electors of any such city shall be required to register, as may be new

Transmittal of affidavits to registrars.

Entry of "challenged" on register.

Close of registration by secretary.

General registration in cities of the second class; Columbus.

Registration of new electors or electors moving into precinct.

Removal certificates.

Duties of registrars.

Certain statutes concerning registration of electors made applicable to certain city (Findlay).

Board of elections; appointment and organization of, etc.

electors, or who have moved into any precinct of any such city, since any general, state or April registrations, and have not been registered therein, excepting that at such April or public election other than presidential and state, such registration shall take place on Friday and Saturday in the second week before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926k. Within a sufficient time previous to any such state, April or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of elections, and attend at the place in such precinct appointed for the registration of electors at the times herein-before provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers of their respective precincts, so required to be furnished them by section 2926g of this act, and make a thorough canvass of their respective precincts, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of elections. [91 v. 36.]

SEC. 2926hh. Provided further, that the provisions of said section 2926h and all other sections of the statutes of the state of Ohio concerning and regulating the registration of electors and the holding of elections and voting in cities of the second class in said state, be and the same are hereby extended to and made applicable to any city or cities in said state having at the last federal census a population of eighteen thousand five hundred and fifty-three (18,553), and that in such city or cities where no registration of such electors in such city or cities has heretofore been made under the provisions of the registration laws of said state now in force therein, the mayor of such city or cities, shall immediately on the passage of this act proceed to appoint a board of elections as provided in section 2926h of said statutes as amended April 28th, 1890. Said board of elections shall immediately after their said appointment meet and organize and proceed to appoint a secretary, registrars of elections, judges, clerks of elections and such other clerks, officers and agents as are now provided for by the registration laws of said state applicable to a general registration of electors in cities of the second class in said state, and appoint times and places for such registration, and provide suitable rooms, furniture, blanks and all other things now authorized to be provided for the registration of electors in said cities of the second class, and make all the needful rules and regulations, and furnish all needed ballot-boxes, ballots, blanks, papers and all such other materials, and appoint all such assistants,

employes and officers as may be necessary to carry out the provisions of said statutes as to elections in said cities of the second class and make the same applicable to a city or cities having the population aforesaid in said state, and in all respects enforce the laws governing the same, so that all laws now in force applicable to the registration of electors in cities of the second class in said state and the way and manner of voting at any general or special election in said state shall be and the same hereby are extended to and made and declared to be in full force and effect as to any city or cities in said state having a population of eighteen thousand five hundred and fifty-three (18,553) as ascertained by the last federal census as aforesaid. Provided further, that for the purpose of carrying out the provisions of this supplemental section of said statutes in the year 1891, Thursday the 12th, and Thursday the 26th day of March, and Thursday the 2d day of April, 1891, and none other, be and the same are hereby designated and appointed as days for general registration of electors for the April election in that year in the city or cities of said state having the population aforesaid, according to the census aforesaid; at which times and places said board of elections and the officers, employes and others appointed by them under the provisions of said statutes shall proceed to do and perform all and singular such acts, provide such means and facilities for the registration of electors in the several wards and precincts of such city or cities as are required to be done under the provisions of the statutes now in force for the registration of electors in cities of the second class during the month next preceding the November election in each presidential year, and in all respects the elections to be held in April, 1891, in such city, or cities having a population of eighteen thousand five hundred and fifty-three (18,553) as aforesaid, shall be conducted as provided by the laws now in force prescribing the manner of conducting and regulating general and special elections in cities of the second class in said state, and no person shall be permitted to vote at any general or special election in any election ward or precinct in such city or cities unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the times and places required by this supplemental act and the statutes pertaining to registration and voting in cities of the second class in said state, and provided further, that the provisions of this supplemental act shall be and remain in full force and effect until after the presidential election of 1892, and after said election only to the extent and in the manner hereafter provided; and provided further, that on Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November next, a general registration of electors in said city or cities shall again be had in accordance with the provisions of this supplemental section and other laws pertaining to registration in cities of the second class in said state; and the mode of conducting such election shall be in all respects as now prescribed by law for conducting elec-

Days appointed
for registration
for April elec-
tion in 1891, etc.

How long act
shall remain in
force.

Days appointed
for registration
for November
election in 1891.

Registration
for election in
April, 1892.

Registration for
election in No-
vember, 1892,
etc.

Certain statutes
not affected by
this act.

Hours for gen-
eral regis-
tration.

Mode of making
registration.

Receipt of appli-
cation for regis-
tration.

tions in cities of the second class; and provided further, that there shall be no general registration for the April election to be held in 1892 in such city or cities, but at such April or any special elections, at the time and place hereinbefore provided for registration days, only those electors of said city or cities having the population aforesaid shall be required to register, as may be new electors, or who have moved into any ward or precinct of any such city or cities since any general, state or April registration, and have not been registered therein, excepting that at such April or public election after the year 1891, other than presidential and state, such registration shall take place, except in the year 1891, on Friday and Saturday, in the second week before any such election as now provided by law for registration and voting in cities of the second class in said state where registration has heretofore been had; and provided further, that on Thursday in the fourth week, Thursday in the third week and Friday and Saturday in the second week next before the day of the general election in November, 1892, a general registration of all electors in said city or cities having a population as aforesaid shall be again had and taken as required by law as to cities of the second class, and the voting, conducting and managing of such elections shall in all respects be in accordance with the laws now in force regulating registration and elections in cities of the second class, in said state; and after the November election of 1892, a city or cities having the population aforesaid according to the federal census of 1890 shall continue to be and remain subject to the laws governing and regulating registration of elections [electors] and voting in cities of the second class in said state; and the registration of electors and the holding and conducting elections therein shall in all respects be the same as in cities of the second class under the general laws aforesaid which may then be in force; and provided further, that nothing herein contained shall in any way or manner affect the provisions of section 2926*t* and all the provisions of said section 2926*t* shall be and remain in full force and effect, and applicable to any city or cities in said state having a population as aforesaid. [88 v. 511.]

SEC. 2926*i*. The registrars of electors appointed as herein provided shall, on each of the days appointed for the general registration of electors, meet at the place in each precinct provided by the board of elections for that purpose, and there remain in session from the hour of eight o'clock before noon, until the hour of one o'clock in the afternoon, and from four o'clock in the afternoon until nine o'clock in the evening of each and all the days so appointed for the purpose of registering the electors lawfully resident in such precinct. No person shall be registered as an elector of any such city at any other time or place than those which are in this act herein designated; and in making registrations every applicant shall answer the inquiries of the registrars as follows, the registrars having openly and publicly met at the place and time herein appointed, shall proceed as follows:

1. They shall receive the application for registration of all such male persons, resident in such precinct, as then

are, or on the day of election which will next follow such application will be entitled to vote therein, and who shall personally come before them, and such only, and may, and if the right of the applicant to be registered be challenged by any elector shall administer the following oath, to wit: "You do solemnly swear (or affirm) that you will truly and fully answer all such questions as shall be put to you touching your place of residence, name, age, place of birth, qualifications as an elector, and your right as such to be registered and vote under the laws of this state."

Oath in case of challenge.

2. They shall then examine each applicant as to his residence and qualifications as an elector, and if not satisfied, or if any elector so demands, shall enter the word "challenged" under the column for "remarks." Unless otherwise herein directed, they shall then, in the presence of the applicant, enter in the registers his answers to their questions pertinent to the heading of each column, in their order. In entering his number, such number shall be filled up consecutively, leaving no blank, and in names they shall include his christian name or names in full as well as his surname. In the column as to "residence," shall be stated the name of the street, avenue, alley, or way in which his dwelling is located, or access to the same usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found, must in every such case be given and entered. If there be more houses than the one under the number so given, or if there be other families, tenants, or lodgers in that in which the applicant resides, he must specify in which house and on which floor, and whether front or rear of such house, he resides, and the number or location of his tenement. In the [column] as to age, the years and months must be stated, and if the applicant is not at the time twenty-one years of age or more, the words "not of age," must be inserted in the column of remarks. In the column as to "term of residence," the periods of years and months of his residence in the precinct and state must both be stated. In the column as to naturalization, the answer "Yes," or "No," or "Native" must be given and stated. If naturalized, the proper certificate or evidence must be produced. The column as to "date of registration" must be filled with the date on which the application was actually registered, and none other.

Examination of challenged applicant.

Entries in registers.

3. After the answers of the applicants to the questions under the head of each and every column have been properly entered by the registrar in his presence, and not until then, he must enter his signature on the same line, and in both of the registers in the column "signatures." Signatures, when made by a mark, must be attested by at least one subscribing witness, who shall be an elector, and may be examined by the registrars under oath as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as "sworn" or "affirms," as the case may be.

Signature of applicant.

By mark.

4. Each of the registrars shall enter the statement of the applicants in the duplicate register kept by him, and

Comparison of duplicate registers.

Close of day's registration.

Attestation.

Registers; where deposited.

Voters required to register.

Registration of persons disabled by sickness, etc.

both shall be signed by the applicant. At the close of each day's registration, the registrars shall compare their registers with each other, and correct any discrepancies in form before closing them for the day. The registrations for the day shall then be ruled off by double lines, to be drawn by the registrars across the page in ink, and immediately under the last name and statement so registered. And the registrars shall make a note in writing under such double line stating, "close of the first, second, etc., day's registration," and attest the same by their signatures in both registers. The registers shall then be deposited by them at the end of each day at the office of the board of elections.

5. All registers, when not in the official use of the registrars, or the judges of the elections, shall at all times be deposited and locked up in the office of the board of elections of such city, subject to be produced for inspection at all proper times. [83 v. 217.]

SEC. 2926j. Every male person who is a citizen of the United States, and a lawful resident of this state, and of any city of the first and second class, and who is, or at the next [ensuing] election in such city will be entitled to vote therein, shall, on application, in the election precinct where he lawfully resides, and complying with the requirements herein, be registered as a resident and elector therein, but not otherwise. But no person shall be entitled to vote at any election in any such city unless he shall establish his residence by causing himself to be registered in the precinct where he shall claim to reside, in the manner and at the time required herein, nor shall any ballot be received by the judges at any election under any pretense whatever, unless the name of the person offering such ballot shall have been entered on both of the registers of the precinct in which he claims to vote, as herein provided. And it shall be the duty of every elector resident in any such city to see that his name has been so registered. But any elector in any such city who is prevented by sickness or physical disability from appearing before the registrars, at the place in his election precinct, on the days for general registration hereby appointed, may apply to such registrars on either of said days by his affidavit, made before any judge or justice of the peace or notary public in such city, and containing a full and proper answer under all the heads or columns required for registration, and transmit the same to such registrars by a creditable person, who is an elector of such precinct, and personally cognizant of the sickness and disability of such applicant, and of the facts stated in such affidavit, and who shall be examined by such registrars, under oath, in the premises. And if satisfied that such applicant is a resident of such precinct, and that he is then, or on the day of the next election, will be qualified to vote in such precinct, but not otherwise, such registrars shall enter said applicant as registered, and in the column for signatures enter the word "affidavit," and transmit the affidavit, with the registers, to the judges of election, and such registration shall be sufficient. [86 v. 281.]

SEC. 2926k. Any elector who, being the head of a family, and duly registered in the precinct where he then resided, shall remove into another precinct in the same city, may apply in person to the registrars of his previous precinct for a "removal certificate," and the same shall be made and signed by them, certifying his said registration, with all its particulars, as shown on their registers, but adding his statement of the new residence and precinct to which he has removed. They shall then immediately cancel his registration on their registers by drawing double lines in ink through the same, and noting his "removal" and the ward and precinct to which he has removed in the column of "remarks," but such note must be subscribed by such applicant. And when by mistake a qualified elector has caused himself to be registered in a precinct which was not his place of residence, the registrars therein, on full and satisfactory proof that such error was committed by mistake, and without fraud or any unlawful intent, may, on his personal application and proof of his true residence, give him a similar certificate as in case of a removal, and cancel his registration in the same manner on their registers. And the certificates, in case of a removal or mistakes so granted, shall, if presented in due time to the registrars of the precinct where such person so certified lawfully resides, and proper proof thereof made to them, shall entitle such persons to be registered therein. But in all cases where registration is so granted upon certificates from the registrars of other precincts, or by order of the board of elections as hereinafter provided, such certificates or order must be retained by the registrars to whom it is presented, and filed by them in the office of the board of elections and preserved. But no such certificate or transfer shall be allowed or be of any validity unless certified and signed by both of the registrars of the precinct in which the registration was first made. [83 v. 219.]

Certificates in
case of removals
or mistake.

New registra-
tion.

Disposition of
such certificates.

Transfers; when
valid.

Annual regis-
tration lists.

Heading.

SEC. 2926l. On Monday in the week preceding the November election, annually, the registrars of each and every precinct of election shall make out and deliver to the board of elections in such city, at their office, a true list of the names of all the electors registered by them in their respective precincts, arranged in the alphabetical order of their surname, followed by their full christian names and residences, and having the registry number of each prefixed. This list shall be under the following heading, namely: "List of electors registered in ward —, precinct —, of the city of —, on the — days of —, eighteen hundred and —, No. —, — name, — residence." And the following certificate shall be annexed at the end of the list, and signed by both of the registrars of the several precincts, namely:

"We, the undersigned registrars of electors in ward —, precinct —, of the city of —, in the county of —, and state of Ohio, do certify that the foregoing list is a true and correct copy of the names, residences, and registry numbers on the registers of said precinct of all persons who have been registered by us as residents, and quali-

Certificate.

Posting of lists.

Bound volume
of lists.

Pamphlets.

Duplicate regis-
tration lists for
use at polls.

Comparison.

Meeting for
granting or re-
ceiving certifi-
cates of removal
or mistake.

Correction.

Noting of
changes.Registrations
by order of
board of elec-
tions.Such orders,
when made.

fied electors in the said precinct, this — day of — in the year eighteen hundred and —." And it shall be the duty of the board of elections immediately to cause at least three copies of the list for each and every precinct in such city, respectively to be printed on broadside sheets of thick paper, and in pica type, two of which lists they shall cause to be securely posted up at the polling place in such precinct, three days or more before the November election annually, and also before every other election. The third copy from each precinct shall be retained by the board of elections and annually bound together in a volume and preserved in their office, and they shall cause at least fifty additional copies of such list, respectively, to be printed in pamphlet form for immediate distribution. Said registrars, after making and returning such lists to the board of elections, shall also make out in books, to be prepared and furnished to them by such board, duplicate lists of all the registered electors in their precinct, arranged alphabetically in the order of their surnames, followed by their full christian names, ages, and residences as registered, and the registry number of each prefixed. The books to be prepared for this purpose shall be ruled in columns, with printed headings, as follows, namely: Registry number —, name —, age —, residence —, voted —, remarks. These lists shall be carefully compared by the registrars of each precinct with the registers therof, and with each other, and then certified by them in the form prescribed for the lists returned to the board of elections, and at the opening of the polls at the next succeeding election, shall be there produced by them for the use of the judges, as herein provided. [83 v. 220.]

SEC. 2926m. On Monday, the day preceding the November election in every year, the registrars of each and every election precinct aforesaid, shall meet at three o'clock in the afternoon, at the polling place appointed for holding elections therein, and there remain in session until six [o'clock] in the evening. At this meeting, and at no other time, they shall receive and act upon any application for either granting or receiving certificates of removal or correction of mistakes as herein provided for; and if any material error or mistake in the description of any elector in such precinct has been discovered, he may appear at this meeting, and on good cause being shown, the registrars may then correct the same. But any change in the registers which shall be allowed by the registrars at such meeting, must immediately be noted by them in the registers and also in the books containing the duplicate lists for the use of the judges as above provided, and if not then and there so noted, shall be wholly null, and disregarded by the judges of election. At this meeting, also, and subject to the same conditions, any qualified elector of such precinct may be registered who shall appear and present an order requiring it, signed by not less than three members of the board of elections; provided, that no such order shall be made or considered by such board of elections, except in a joint session, nor unless the applicant shall appear before

them personally after the last day of general registration, and prove to their satisfaction that he could not, by due diligence, have appeared before the registrars in his proper precinct on either of the days appointed herein, and shall furthermore comply with all the prescribed requirements for general registration. [83 v. 221.]

SEC. 2926*n*. On Monday, the day preceding the November election in every year, the registrars, as judges of election, and the other two judges of election in each precinct, shall meet at the polling place appointed for holding the election therein at seven o'clock in the evening punctually, and then and there organize as a board by electing one of their number, by ballot, as chairman. If they fail so to elect a chairman within ten minutes, they shall immediately choose a chairman by drawing lots. They shall at this meeting make all necessary arrangements for securing the ballot-boxes and the proper accommodations for themselves and the clerks of elections in receiving and counting ballots at the ensuing election, and also, if requested, for the witnesses and challengers designated by each political party to be admitted within the polling rooms as follows, namely: At every election the executive or principal committee of each political party presenting one or more candidates for suffrage, may, by writing, certified by its chairman and secretary, and presented to the judges of election at or before this meeting, designate not more than three electors of such city as witnesses, and one other elector as a challenger, to attend at such election in behalf of such party. It shall be the duty of the judges of election in each and every ward or election precinct to admit the witnesses and challengers so accredited, into the polling room with themselves and the clerks at the ensuing election, and to place them so near to themselves and the clerks, that they can fully and conveniently watch every proceeding of the judges and clerks from the time of opening the polls until the counting, certifying and signing of the final return of such election. Before the opening of the polls the ballot-boxes shall be opened, if requested by either of them, so that the inside and the locks and keys may be inspected by them. No ballot-box, nor any ballot when taken from it for counting, shall be removed or screened from the constant sight of such witnesses or challengers until the counting has been closed and the certificate of the final returns completed and signed by the judges. The challengers so designated shall be so placed that they can fully see and meet each and every person offering a ballot to the judges or either of them. And at such meeting, on the evening of a day preceding an election, any elector may appear and challenge the vote of any person named in the register of such precinct, and the word "challenged" shall immediately be entered by the judges opposite the name of such person on both of the duplicate lists of electors, and if he shall offer to vote at any election, the judges shall, upon such challenge, examine him under oath as to his qualifications as an elector in such precinct. [83 v. 221.]

Meeting on
evening prior to
election.

Organization.

Securing ballot-
boxes and ac-
commodations,
etc.

Witnesses and
challengers.

Their admission
to polling room.

Inspection of
ballot-boxes be-
fore opening of
polls.

Same to be in
plain view.

Rights of chal-
lengers.

Challenge of
lists.

Examination.

Opening and
close of polls.

Duty of regis-
trs.

Location of
ballot-box.

Challengers.

SEC. 2926o. On the day of the November election in every year, and of any other election, the polls in each and every precinct in cities of the first and second class, shall be opened by the judges of elections appointed and organized as in this act provided, by proclamation made by the chairman, at the hour of six o'clock in the morning, and shall be closed by proclamation, at the hour of four o'clock in the afternoon in cities of the first grade of the first class, and at the hour of six o'clock in the afternoon in cities of the second, third, and fourth grades of the first class, and in cities of the second class. The registrars acting as judges shall punctually, at the hour of opening the polls, attend and produce, at the polling places in the several precincts, the registers, affidavits of sick or absent electors and accompanying papers, and also the duplicate certified lists of electors, prepared by them as herein required. The chairman of the board shall at once designate two members of the board of judges of different political parties, each to hold and to have charge of one of the said duplicate lists; no ballot shall be deposited in the ballot-box, until the name of the elector offering it, shall first have been stated by him, and announced aloud by the judge holding the ballot, nor until it shall have been found on both such lists, and so announced by both of the judges holding such lists. Every ballot must be put in the ballot-box, by the judge who receives it from the elector; and such judge and the ballot-box must always be so placed, and the ballot be so held forth by the judge, that it shall be in full view of the elector, until actually put into the box. For any wilful violation or evasion of this rule by any of such judge, he shall at once be expelled from his office by the other three judges, and the vacancy filled in the manner provided by section 2926c, and immediately upon the depositing of the ballot in the box, each of the said judges shall check off the name of such elector on the duplicate list, held by him, by placing a "V" distinctly with ink in the column under the word "voted," and in the line with the elector's name; provided, that it shall be unlawful for any judges or clerks of election, or of any of the witnesses or challengers, admitted into the polling rooms at the election, at any time while the polls are open, to have in his possession, or to distribute, or to give out any ballot or ticket to any person on any pretense, nor during the counting or certifying of the votes, to have any ballot or ticket in his possession or control, except in the proper discharge of his duty, in receiving, counting or canvassing the votes as required by law; but this prohibition shall not extend to the lawful exercise by any judge or clerk of elections, or witness, or challenger aforesaid, of his individual right to vote at such election. Any registered elector, when offering to vote, may nevertheless be challenged by an elector as a non-resident, or for any of the causes allowed by law, and he shall be sworn, and the same proceedings thereupon had as in other cases; in all cases of challenge, the judges holding the duplicate lists aforesaid, shall note the word "sworn" opposite the name of the person challenged. And except as otherwise required herein, the judges of elections appointed, as herein provided, shall

have the same powers and discharge all the duties conferred or required by the general laws of the state regulating elections. But except where some authority or duty is herein allotted to one of said judges, no order or action on their part shall be of any validity without the concurrence of three members of said board of judges in any precinct. [86 v. 281.]

SEC. 2926*p*. Immediately upon the close of the polls at any and every election in such cities, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the chairman of the board shall make a proclamation in a loud voice in the street outside of the polling room, stating the number of voters so shown and certified on the poll-books. The number of electors who shall have been checked on each of the duplicate lists as having voted, shall next be counted and compared each with the other, and with the number so shown in the poll-books, and the result shall be at once certified in the poll-book and signed by the judges. And in counting those who are checked, the word "no" shall at the same time be entered in ink in the same column opposite the name of each and every elector who is not so checked off. In all cases of disagreement or doubt on any question during the election or counting, the judges may refer to the original registers, and they shall be conclusive when relevant. The ballot-box shall then, without any adjournment or delay be opened, and without opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll-books, the ballots shall be replaced in the box, and one of the judges shall, with his back to the box and without seeing it, draw out, without showing them, and destroy a number of ballots equal to the excess. And, if during the counting of the ballots or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall be returned to the box, and after being thoroughly mingled the excess shall, in the manner directed above, be drawn out and destroyed, and the count corrected accordingly. In all cases where ballots have thus been drawn out and destroyed, a minute of the number destroyed and the reason, shall be made on the tally-sheet. The count shall then commence and proceed without interruption or delay, and in no case shall cease until it is completed, proclaimed, and the final result certified as herein required. As soon as the ballots have been counted and tallied, and the clerks have estimated the number tallied for each candidate, the chairman of the board shall make a second proclamation in the same manner as the first, stating the whole number of votes cast, and the number counted and tallied for each candidate; and this proclamation shall be *prima facie* proof of the result. The judges and clerks in every precinct shall at the same time make out and certify a summary statement of the number of votes cast therein, and the number counted and tallied for each candidate as announced in the proclamation, and

Certificate and proclamation of total vote cast.

Electors checked on duplicate lists.

Questions of doubt.

Opening of ballot-box; counting of ballots.

Excess of ballots to be destroyed.

Minute of destroyed ballots.

Completion of count.

Proclamation of result.

Certificate of result for board of elections.

Duty of judges.

Abstracting result.

Signing of poll-books.

Numbers, how expressed.

Session of board of elections on day of election.

Reports of election.

Assignment of police.

Certificate in case of involuntary mistake in registering.

Disposition of poll-books.

Ballots to be burned.

Return of registers, etc.

dispatch the same without delay by a special messenger, and in a sealed envelope to the board of elections at their office. The judges of election shall also, as soon as the result has been proclaimed, announce it to the board of elections from the nearest police station, or from a telegraph or telephone station if nearest to them. At the request of any of the persons designated to witness the counting of the ballots, the judges and clerks of election shall also sign and deliver to him a certificate containing the same statements as required to be made to the board of elections. After completing the counting and enumeration of the ballots, and proclaiming and issuing the statement of the result, as hereinbefore directed, the number of votes for each person shall be set down in the poll-books, under the inspection of the judges and certified and signed by them in manner and form as prescribed in, and by section 2922 to 2966 inclusive, chapter two of title fourteen in the first part of the Revised Statutes. In all certificates the number of votes shall be fully written out in words, and also stated in figures. [83 v. 223.]

SEC. 2926q. The board of elections shall convene in session at their office at six o'clock a. m. on the day of every election in such cities, and remain in session continuously until the statements giving the result of the election, as required above, shall have been received from every precinct in such city. The board shall have power to employ messengers to use the telephone and telegraph, direct the police force of the city, and use any other lawful means to secure prompt and correct reports from the election judges, as above required. The police authorities shall assign at least one policeman to do duty in each precinct on every day of an election. The board shall also have authority during said day, in case any elector through no mistake or negligence of his own, shall have been registered in the wrong precinct, to issue to such elector a certificate showing such fact, and such certificate when presented by such elector to the proper registrars and judges, shall entitle said elector to vote in his proper precinct, and such mistake shall be noted on the register. [89 v. 199.]

SEC. 2926r. The judges of elections, after having set down the number of votes for each person, and certified and signed the same in the poll-books in the manner prescribed by law, shall put under cover one of the poll-books, seal the same, and direct it to the "county board of canvassers;" the other poll-book shall be sealed in like manner, and directed to the board of elections of such city; they shall then destroy all the ballots so counted or found in the ballot-box by burning the same completely; the judges, before separating, shall designate two of their number as messengers (by lot if they can [not] agree), one of whom shall personally and within twenty hours from the close of the polls, deliver to the clerk of the court of common pleas the poll-book so addressed to the "county board of canvassers," and the other, shall personally and within twenty hours, as above, deliver the other poll-book to the board of elections at their office; the chairman of the board of elections shall safely return the registers, the duplicate lists made there-

from, the ballot-boxes and keys thereof, and all affidavits or papers accompanying them to the board of elections or the secretary, at their office within twenty hours; and the judges and clerks of elections shall not adjourn, disperse, nor cease from proceeding as hereinbefore required, until all the said requirements have been actually executed and completed in manner and form as prescribed by law. [83 v. 224.]

Completion of work without adjournment.

SEC. 2926s. The county board of canvassers, on demand of any candidate, shall compare the returns as received by the clerks from the precincts in any city of the first and second grades in the first class, with the certified statement sent by the judges of election to the city board of elections as herein required, and if found to disagree, the number certified in the statement last mentioned shall be taken as correct and counted, unless proof of the returns received by the clerk, satisfactory to the board of canvassers, shall be made by [the] judges, clerks and witnesses of the counting. And for the purpose of adjusting such discrepancy, and determining the true result of the election, the board of canvassers shall also summon witnesses and examine them under oath, as to the proceedings and proclamations at such election in any precinct, and may also view and consider as part of the record, the poll-books, registers, and duplicate lists made therefrom, and deposited as herein provided; but such inquiry shall be limited exclusively to determining which shall be adopted, namely: The returns as received by the clerk, or the certified statement as received by the board of elections, as proof of the true vote at the close of the polls in any precinct. [83 v. 225.]

Adjustment of discrepancies between returns to clerk and that received by board of elections.

*SEC. 2926t. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of twelve hundred dollars per annum, and in cities of the second grade in the first class, shall be allowed and paid a salary of one thousand dollars per annum. And in cities of the third and fourth grades in the first class, and in the first and second grades of the second class, a salary of four hundred dollars per annum, payable quarterly, and in cities of the third grade and the third grade *a*, in the second class, a salary of two hundred dollars per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty dollars per annum, payable semi-annually. The secretary of the board of elections in cities of the first and second grades in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars per annum, in monthly payments. In counties containing a city of the first class fourth grade, each member of the board shall be paid a salary of four hundred dollars, three hundred of which amount is to be from the city funds, and one hundred from

Salaries of members of city election boards.

Salary of secretary.

Salaries of members and secretary in Stark county.

* Sec. 2926t was twice amended during the session of 1900, the date of signing of both bills being the same, viz.: April 16, 1900. The section as above given was included in Senate Bill No. 369 while the other amendment was contained in House Bill No. 154, and will be found in volume 94, page 668.

the general fund of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty dollars, four hundred and fifty dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by the county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly installments. And in cities of the first grade, second class, a salary of five hundred dollars per annum, in monthly payments, and in cities of the second grade of the second class, a salary of one thousand dollars per annum, to be paid in monthly installments, and in cities of the third grade and third grade *a* of the second class, a salary of two hundred dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade of the second class, a salary of one hundred dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk or city auditor of such city, but for all general elections other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amounts. [94 v. 310.]

SEC. 2926*u*. Any member of the board of elections and the secretary of the board may, for any violation or neglect of the duties prescribed herein, or other official misconduct, be removed at any time by the governor of the state, and he shall fill the vacancy as provided in section 2926*b*. [83 v. 226.]

SEC. 2926*v*. The preceding provision shall extend to the April election, or any other public election authorized by

Salary of secretary in certain other cities.

Compensation of registrars, judges and clerks.

Expenses to be paid by county.

Removal of secretary and members of board.

April and other elections.

law to be held in any city of the first and second class, as follows:

1. There shall be no general registration as provided in sections 2926*h* and 2926*i*, except that on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last preceding registers made by them from the board of elections, and attend at the place in such precinct appointed for the registration of electors between the hours herein directed for the purpose, and receive applications for registration by such qualified electors residing therein as are not already registered, and if qualified, shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration; and on such days shall also perform the same duties as prescribed in section 2926*m*. Between the first day of March and the Thursday in the second week before the April election the secretary of the board of elections shall be the registering officer, and shall perform the duties required in section 2926*h*, both as to electors who will be absent, and as to affidavits of absentees; and on the days for revisions of the registration, the registrars shall receive affidavits of sick or disabled electors as required in section 2926*i*. The board of elections may, during the week previous to the April election, issue orders for registration, which orders, if presented at the meeting for organization, held Saturday evening before the April election, shall be received by the registrars and be disposed of as required in section 2926*m*. And any additions or changes then entered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully compared with the registers and with each other shall be produced by them, together with the registers of such precinct at the opening of the polls on the day of election, and then be used, applied and disposed of by the judges in all respects as directed in section 2926*o*.

Registration for such elections.

Additions to or changes in registers.

2. At seven o'clock in the evening of the Saturday next preceding any such election the registrars for each and every precinct, and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926*n* and in the manner therein directed.

Organization of board of judges.

3. The poll-book required by section 2926*q* [2926*r*] to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed by them to the "board of canvassers," of such city, and not of the county, and deliver[ed] to the city clerk of such city, and not the clerk of the court of common pleas.

Poll-book; how to be addressed and delivered.

4. The board of canvassers of elections in each such city shall be composed of the said board of elections and the city clerk of such city. Within four days after the April election in such city, every year, or after any special election the said "board of canvassers" shall meet at the office of the board of elections of such city, at ten o'clock in the forenoon, at the call of the chairman of the said board of

Board of canvassers; duties of.

New or altered
wards and pre-
cincts.

Cities second
grade, second
class.

Permitting false
registration.

Refusing regis-
tration.

Penalty.

Inducing same.

Inducing neg-
lect of duty.

Penalty.

False regis-
tration.

Penalty.

Inducing same.

elections and organize by electing a chairman and secretary; the returns received by the city clerk shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926*r* and by law.

5. Whenever a new ward has been created, or the boundaries of any ward or precincts have been changed after the general registration, and before the April election following, it shall be the duty of the board of elections to appoint election officers, rearrange the voting precincts, provide for registration of electors not already registered, make new registers, and certify the registration of registered electors whose voting precinct has been changed and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters. Section 2926*h* of the Revised Statutes, so far as it may conflict with section 2926*v*, shall not apply to cities of the second grade and second class. [88 v. 248.]

SEC. 2926*w*. 1. Any registrar of electors, or other registering officer, who falsely or fraudulently enters or consents to the entry in any register or duplicate list of the electors in any precinct, of the name of any person whom he knows or has good reason to believe is not a resident or qualified voter in such precinct, or who on request, refuses, neglects or hinders the registration of any person, who is a resident and qualified voter in such precinct, and offers to comply with the requirements of the law for that purpose, shall be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned not less than thirty days nor more than six months, or both.

2. Whoever by any gift, promise or offer, or by coercion, intimidation, or other unlawful means, induces or influences, or attempts to induce or influence any registrar of electors or other registering officer, to enter in the register or duplicate list of electors in any precinct, the name of any person, real or fictitious, living or dead, who is not a resident or qualified elector therein, or who shall fraudulently induce any registrar or registering officer to refuse registration in a precinct to any person lawfully entitled to be registered as an elector therein, or unlawfully prevent, hinder or delay any registrar or registering officer from registering any person lawfully entitled to be registered, or to induce or influence such registrar or registering officer to violate or refuse or neglect the execution of any rule or duty touching his office and prescribed by law, shall be imprisoned in the penitentiary not less than one year nor more than three years.

3. Whoever falsely and fraudulently obtains or attempts to obtain registration, as an elector, in any precinct in which he is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

4. Whoever fraudulently induces or attempts to induce, aid or abet any person to obtain or apply for regis-

tration as an elector in any precinct where such person is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Penalty.

5. Whoever falsely personates, or assumes the name of any other person, real or fictitious, living or dead, in obtaining or attempting to obtain registration in such assumed name as an elector in any precinct, or falsely obtains or applies for registration as an elector in any name other than his own, or fraudulently aids or abets any other person in committing or attempting to commit either of said offenses, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Penalty.

Obtaining regis-
tration by per-
sonating an-
other.

6. Whoever fraudulently or by any unlawful means prevents, hinders or delays, or attempts to prevent, hinder or delay any elector from applying for registration as an elector in the precinct where such elector resides and is entitled to vote, with intent to deprive such elector of his right to vote, shall be imprisoned in the county jail not less than thirty days nor more than six months, and fined not less than fifty dollars nor more than five hundred dollars.

Hindering
registration.

Penalty.

7. Whoever by any false statement or other unlawful means, procures, or aids or attempts to procure the erasure of striking out of the register or duplicate list in any precinct of the name of any elector who is a resident and qualified elector therein, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Procuring un-
lawful erasure
in registration
lists.

Penalty.

8. Any judge or clerk of election, witness, challenger, or other person whatever who is admitted into the polling room at any election, and who at any time from the opening of the polls until the ballots are finally counted and certified, and while in said room distributes or gives out to any person, on any pretense, or brings into said room, or has in his possession or control any ballot or ticket except that which he shall offer to the judges as his own vote if an elector, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one year.

Distributing
ballots inside
of polling room.

Penalty.

9. Any judge of election who shall permit any ballot or ticket to remain or be in the ballot-box at the opening of the polls, or be put into the ballot-box at any time during the receiving, counting, and certifying the ballots, except when lawfully presented by an elector in the course of an election, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Permitting bal-
lots in box at
opening of polls,
etc.

Penalty.

10. Whoever shall be guilty of wilful and corrupt false swearing or affirmation, upon any examination, by or before any registrar or registering officer authorized by this act, shall be guilty of perjury, and imprisoned in the penitentiary not less than one year nor more than five years.

Perjury.

Penalty.

11. Any member of the board of elections or secretary thereof, or any registrar of electors, or judge or clerk of elections in any city of the first and second grades and first

Neglect of duty
by officers of
election.

Penalty.

Counterfeiting registration certificates, etc.

Penalty.

Acting as registrar, judge or clerk without certificate of appointment.

Acting as substitute judge without notice, etc.

Neglect to forward notice, etc.

Penalty.

East Liverpool; registration laws, how applied to.

class who shall wilfully refuse and neglect to execute and perform any duty prescribed by this act to be done or performed by him, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, to be recovered in the name and behalf of such city, or imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

12. Whoever makes, issues, utters or publishes any false or counterfeit certificate of registration authorized by this act to be granted by registrars of electors and boards of election, or fraudulently alters any such certificate granted by any of said officers, or who makes, issues, utters or publishes any false certificate, statement or proclamation of the result of an election, knowing such certificate, statement or proclamation to be false, or who wilfully destroys, defaces or conceals any certificate or statement of the result of an election entrusted to him or his care for delivery, shall be imprisoned in the penitentiary not less than two years nor more than five years.

13. Every person who may act as registrar, judge or clerk of election without having received his certificate of appointment from the board of elections, except the judges and clerks appointed in the manner herein provided in section 2926e, by the judges to fill [a] vacancy caused by absence or removal, and every such person so appointed by the judges who shall act without notice thereof having been sent to the board of elections, and the judges who may make such appointment and neglect and fail to send notice thereof to the board of elections, and every person to whom such notice for the board may be given for delivery to the board who shall neglect or fail to deliver the same as promptly as possible shall be guilty of a misdemeanor, and shall be fined not more than one hundred dollars or less than twenty-five dollars, or imprisoned thirty days, or both fined and imprisoned. [83 v. 226.]

SEC. 2926.r. Provided further, that the provisions of said section 2926h and all other sections of the statutes of the state of Ohio concerning and regulating the registration of electors and the holding of elections and voting in cities of the second class in said state, be and the same are hereby extended to and made applicable to any city or cities in said state having at the last federal census a population of not less than sixteen thousand one hundred nor more than seventeen thousand inhabitants, and that in such city or cities where no registration of such electors in such city or cities has heretofore been made under the provisions of the registration laws of said state now in force therein, the deputy state supervisors of elections for the counties in which said cities are located, shall immediately on the taking effect of this act proceed to appoint a secretary, registrars of elections, judges, clerks of elections and such other clerks, officers and agents as are now provided for by the registration laws of said state applicable to a general registration of electors in cities of the second class in said state, and appoint times and places

for such registration, and provide suitable rooms, furniture, blanks and all other things now authorized to be provided for the registration of electors in said cities of the second class in said state, and may make the needful rules and regulations, and furnish all needed ballot boxes, ballots, blanks, papers and all such other materials, and appoint all such assistants, employes and officers as may be necessary to carry out the provisions of said statutes as to elections in said cities of the second class in said state and make the same applicable to a city or cities having the population aforesaid in said state, and in all respects enforce the laws governing the same, so that all laws now in force applicable to the registration of electors in cities of the second class in said state and the way and manner of voting at any general or special election in said state shall be and the same hereby are extended to and made and declared to be in full force and effect as to any city or cities in said state having at the last federal census a population of not less than sixteen thousand one hundred nor more than seventeen thousand inhabitants, provided further, that on Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November next, a general registration of electors in said city or cities shall be had in accordance with the provisions of this supplemental section and other laws pertaining to registration in cities of the second class in said state, and the mode of conducting such elections in cities of the second class; and provided further, that the registration for the April elections be as provided in the general laws.

SEC. 2. This act shall be in force on and after the first day of May, 1902, provided further, that at the election to be held on the first Monday in April, 1902, the question shall be submitted to the electors of all cities to which this act applies, and if the majority of the electors voting upon this question vote "Registration, Yes," then this act shall be in force, but if the majority of the electors voting upon this question vote "Registration, No," this act shall be null and void. [95 v. 85.]

Question
whether this
act to apply
to be sub-
mitted to
vote.

VOTING MACHINES.

Submission of question as to use of voting machines in elections.

Machine to be approved by commission; requirements of machine.

Sec. 1. That any body or board of public officials, or any officer or officers, charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, town, precinct, or other civil division of the state, may at any general or special election submit a proposition to the qualified voters thereof, to adopt a voting machine or voting machines, and whenever a majority of the electors of any of said city, village, town, precinct or other civil division voting upon said proposition shall have declared therefore may purchase voting machine or machines for use at any or all of the election districts for which he, it or they are by law charged with the duty of providing with material and supplies for holding an election, at the expense of the city, village, town, county, precinct, or other civil division of the state now chargeable by law with the expenses of the material and supplies for holding general elections in such election district or districts. Provided, however, that no such voting machine shall be used, purchased or adopted until the commissioners herein-after provided for, or a majority thereof, shall have made and filed their report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector, if he so desires, to cast one written or printed ballot of his own selection for all the officers for whom he is entitled to vote at such election; that it affords each elector an opportunity of voting for all the candidates for whom he is entitled to vote, and absolutely prevents his voting for any candidate more than once; and that it also prevents the elector voting for more than one person for the same office, unless he be lawfully entitled to vote for more than one person for that office, and, in that event, it admits of his voting for as many persons for that office as he is by law entitled to vote for, and no more, at the same time preventing his voting for the same person twice; that the machine is so constructed that an elector may be permitted to vote for a candidate for whom he may be lawfully entitled to vote, and excluded from voting upon any questions upon which he may not be lawfully entitled to vote; that such machine admits of the enjoyment of each elector of his full right and privilege in the exercise of the elective franchise under the constitution and laws of this state;

that the machine is supplied with a booth so arranged that the operation of the machine by the elector, when voting cannot be seen, observed or known by any other person, unless such other person be inside the booth at the same time; that such machine, properly operated, will correctly register every vote cast; that the machine is constructed of such material that when properly cared for, there is little or no danger of its utility being impaired by any of the parts becoming rusted or corroded; that the machine may be safely and conveniently used by eight hundred electors in any one election district during the time allowed for holding a general election thereon.

SEC. 2. The present governor, secretary of state and attorney-general and their successors in office, are hereby created and made commissioners to examine voting machines, and to make a report and certificate thereon, and for such purpose, they are hereby authorized to employ such assistance as they, or a majority of them, may deem advisable, and the expenses thereof shall be payable out of any funds of the state not otherwise appropriated. The examination, report, or certificate of such commissioners, or a majority thereof, above provided for, shall not be required of each individual machine, but of every particular kind of machine before its adoption, use or purchase as herein provided. The certificate, when made by said commissioners, or a majority thereof, shall be filed in the office of the secretary of state.

SEC. 3. The voting machine or machines to be used, adopted or purchased as herein provided, must be so constructed as to meet all requirements specified in this act.

SEC. 4. Party nomination shall be arranged on each voting machine either in columns or horizontal rows. Ballot captions of cardboard or paper, which shall have printed thereon, in plain, clear type, the party or other lawful designation of the nominee, amendment or other proposition submitted to vote, shall be so placed on said machines as to indicate to the voter what lever, push, knob, key, or other device is to be used or operated in order to vote in accordance with his choice. Such machines shall also be provided with a printed ballot or cardboard, upon which shall be printed in plain, clear type the name of the office and the name of the candidate or nominee therefor, or a concise statement of the amendment, or question, or proposition, to be voted upon. And these shall be placed upon such machines in such manner as to enable the voter to readily vote in accordance with his choice. The irregular device shall be provided with similar cardboard, or printed paper, except that the name of the candidate shall not be printed thereon; and the same shall be so placed on said machine as to show to the voter where to deposit the ballot for any person for a particular office. If two or more persons are to be elected to the same office, for different terms, the term for which each is to be elected shall be designated on such machines as above provided.

Commission
examine vot-
ing
machines;
duties and
powers.

Certificate to be
filed with secre-
tary of state.

M chine must
meet statutory
requi ements.

How nomina-
tions shall ap-
pear on ma-
chine; general
requirements of
machine to en-
able elector to
vote for his
choice.

Election officers to have view of entire polling place except operation of machine; location of machine.

Guard-rails; how constructed; who to be admitted within.

Party emblem; how placed.

Arrangement for voting for presidential electors.

"Straight ticket."

Delivery of ballots, ballot captions, cards, counter labels and instruction cards for use in connection with machine.

Precaution to be taken before voting begins.

Length of time voter permitted to remain within booth.

SEC. 5. Every part of the polling place shall be in plain view of the election officers, including the watchers, if any, except that the operation of the machine by the elector shall be obscured as herein provided. It shall be placed at least three feet from every wall or partition of the room, and at least three feet from the outer guard rails and at least four feet from the judge's table. Guard-rails shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine, and no person shall be permitted within such guard-rails except to enter the booth for the purpose of voting. But one person shall be permitted within such booth at a time except that a disabled elector may be furnished such assistance and in such manner as is now or may hereafter be authorized by law, and not otherwise.

SEC. 6. The party emblem, if any is in use in the state, shall be placed at the head of the party ticket in such manner as to be easily seen; and, in presidential elections, such machine may be provided in each column or horizontal line of party nominations with a separate push knob, lever, key or other device, for voting for all the presidential electors nominated by such party, and the numbers registered by the counters of that particular push knob, lever, key or other device, for voting for all the presidential electors nominated by such party, and the numbers registered by the counters of that particular push, knob, lever, key or other device shall be counted for each and every one of the candidates for presidential elector of such political party. And in each column or horizontal line may be one lever, push knob, key, or other device, with a label as above provided, with the name of the party and the words "straight ticket" printed thereon in plain, large type; and the operation of such lever, push knob, key, or other device, shall vote the entire ticket, including presidential electors.

SEC. 7. The officer or officers now charged by law with the duty of furnishing such election districts with ballots shall furnish each polling place using such machine with all ballots, ballot captions, cards, counter labels and instruction cards herein required; and the same shall, on Saturday next preceding the election at which they are to be used, be delivered to the clerk of the city, village, town, or precinct where the same are to be used, or to such other officer in such city, town or village to whom ballots are now required by law to be delivered.

SEC. 8. Before any voting is done on any such machine or machines, all the counters shall be placed so as to register "O," and shall not be again changed except as is done by the electors in voting.

SEC. 9. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave the said machine after the lapse of one minute, he shall be removed by the judges.

SEC. 10. As soon as the polls are closed the ballot machine shall be locked against voting, and the counting compartment opened in the presence of the watchers and all other persons who may be lawfully within the room or voting place, giving full view to the dial numbers announcing the votes cast for each candidate, and for or against the various constitutional amendments, questions, or other propositions.

Closing of polls; machine to be locked; counting compartment to be opened in presence of authorized persons.

SEC. 11. The judges shall then add together the votes cast for each candidate, and ascertain the number of votes which each has received, and publicly announce the total vote for each candidate thus ascertained. Before leaving the room or voting place, and before closing and locking the counting compartment, the judges shall make and sign written statements or returns of such election, as now required by law, except that they shall not be required to attach any ballots, official or defective, thereto. The written statements or returns so made, after having been signed by the judges, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity given to compare the results so certified with the counter dials of such machines. After such comparison and correction, if any is made, the judges shall then close the counting compartment and lock the same.

Counting and announcement of votes.

Judges required to sign returns before leaving room or locking counting compartment.

Returns to be read; comparison of results.

SEC. 12. No ballot clerk shall be elected or appointed in any town or city that shall have adopted the use of the voting machine.

Services of ballot clerk dispensed with.

SEC. 13. Any person who shall tamper or attempt to tamper with any such machine or machines, or in any manner intentionally impair or attempt to impair its use, and any person who shall be guilty of or attempt any dishonest practice upon any such machine, or with or by its use, shall be deemed guilty of a misdemeanor, and punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment. [94 v. 309.]

Tampering with, impairing, or attempting to impair machine; penalty.

Application of existing laws; conflicting laws not to apply.

SEC. 14. All the provisions of the election law not inconsistent with this act shall apply to all elections in the precincts where such voting machines are used. And any provisions of law which conflict with the use of such machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by use of said ballot machine or voting machines; provided, that in lieu of the submission of the question to the qualified electors in any city, village, town, precinct, or other civil division of the state, of adopting a voting machine or machines therein, as provided for in section one of this act, as amended April 16, 1900 (94 O. L., 308), it shall be the duty of any body or board of public officials or any officer or officers, or board of elections, or deputy state supervisors of elections, charged by law with the duty of providing materials and supplies for holding an election or elections, upon presentation of a petition signed by sixty-five per centum of the electors of any precinct, ward, township, vil-

Application of existing laws conflicting laws not to apply.

Provision for adoption of voting machine upon petition of sixty-five per cent. of electors.

lage, city or county, voting at the last preceding general election, praying for the adoption of a voting machine or machines to be used at all the voting or polling places in such precinct, ward, township, village, city or county, to ascertain and declare whether or not sixty-five per centum of such electors have signed such petition, by comparing the names on such petition with the poll books of such election, if the same have been preserved, otherwise upon satisfactory evidence. And if it appear that sixty-five per centum of such electors have so signed such petition, a voting machine or machines shall thereupon be deemed adopted for use, and shall be used, at all elections thereafter to be held in all the voting or polling places in such precinct, ward, township, village, city or county. And thereupon such body or board of public officials, or any officer or officers, or board of elections, or deputy state supervisors of elections, so charged by law with the duty of providing materials and supplies for holding elections in any such precinct, ward, township, village, city or county, may purchase and provide such voting machine or machines, the cost of which, when purchased and provided by any board or officer of a city shall be borne and paid by any such city, out of its general revenue fund, upon vouchers of such board or officer, made and certified, if by a board, by the president and secretary thereof, and if by an officer, by such officer, which shall be allowed by the city comptroller, city auditor, or director of accounts, in cities having such officers, and in other cities by the city clerk or other accounting officer, and upon his warrant paid by the treasurer of any such city: and when purchased and provided by any board or officer of a county, shall be paid out of the general fund of the county treasury, upon the written approval of a majority of the county commissioners, upon vouchers of such board of officers, made and certified, if by a board, by the president and secretary, and if by an officer, by such officer. Upon presentation of such voucher or vouchers the county auditor shall issue his warrant upon the treasurer for the amount thereof, and the treasurer shall pay the same. Such vouchers shall, in all cases, be paid in the order of priority with respect to the presentation of claims against such general funds. [95 v. 419.]

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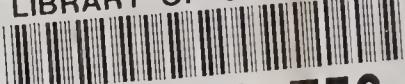
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